

CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. FRASER: Not advised.

2 SEN. WEST: Okay. Do you --

3 SEN. FRASER: I grew up in a pretty poor
4 family, so --

5 SEN. WEST: Well, that's what I know, and
6 correct me if I'm wrong because we've had our
7 conversations. Your father was a minister, too. Right?

8 SEN. FRASER: Minster and --

9 SEN. WEST: Okay. He went to a lot of
10 African American churches?

11 SEN. FRASER: Yes, he did.

12 SEN. WEST: Did a little singing and stuff
13 like that?

14 SEN. FRASER: Yes.

15 SEN. WEST: Okay. And do you represent a
16 district that has a high poverty level -- or excuse
17 me -- a high ethnic minority population?

18 SEN. FRASER: Interestingly -- well, and
19 what you call high, it is not one of the highest
20 percentage wise of ethnic minority. But the last figure
21 I was shown, my district is the third poorest district
22 in the state, right behind Senator Uresti's. That
23 that -- that number is a couple of year's old, but
24 I'm -- you know, the --

25 SEN. WEST: Okay.

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1 SEN. FRASER: -- people in my district
2 are -- are the working poor.

3 SEN. WEST: Okay. The -- the protected
4 classes, that would be an African American and
5 Hispanics, do you have a high concentration of African
6 Americans and Hispanics in your district?

7 SEN. FRASER: Well, I don't know what
8 you'll call a high percentage. I've got --

9 SEN. WEST: Okay. Comparatively speaking.

10 SEN. FRASER: There -- there are a lot of
11 my voters in my district that, you know, I'm -- I love
12 to say "my constituents" -- that are African American or
13 Hispanic.

14 SEN. WEST: Are they in poverty or what?
15 I mean, you know what poverty is.

16 SEN. FRASER: Well, Senator, if --

17 SEN. WEST: Oh.

18 SEN. FRASER: If I have the third poorest
19 district in the state, that implies that we have some
20 people that are working poor.

21 SEN. WEST: Let me just ask you this
22 question.

23 Do you know whether or not the elimination
24 of the government documents that have hereto before been
25 utilized by voters for identification purposes at the

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1 polls --

2 SEN. FRASER: Issued before?

3 SEN. WEST: Yeah, I mean, under current
4 law. Let me back up, then.

5 Based on current law and the various
6 government identifications that can be used for purposes
7 of voting, by eliminating those, whether they have an
8 adverse impact on ethnic minorities in the state?

9 SEN. FRASER: Let me -- let me tell you
10 that the people in my district voted -- or they're
11 polling that they -- 92 percent of them say that they're
12 in favor of this -- this requirement.

13 SEN. WEST: Okay. So you don't -- and
14 that's your response to my question?

15 SEN. FRASER: My response is, is that I
16 think the people of the state of Texas, which makes
17 up -- I think it was 83 percent of -- of African
18 Americans and 85 percent of Hispanics, said that they're
19 in favor of it. I'm sorry. It's 82 percent Hispanic --
20 I'm sorry -- Hispanic, 80 -- 83 percent Hispanic, the
21 African American, which is -- it's listed as a black
22 vote, is 82 percent say they are in favor of asking for
23 a photo ID.

24 So it's -- it's -- this is a pretty easy
25 question for them, "Should you have to show your -- your

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1 photo ID, your driver's license, when you come in to
2 vote?" And they said, "Sure. That's" -- you know,
3 "That's fair."

4 SEN. WEST: And that's your response to my
5 question?

6 SEN. FRASER: Yes.

7 SEN. WEST: Okay. No more questions at
8 this time.

9 SEN. FRASER: Thank you, Senator.

10 CHAIRMAN DUNCAN: Chair recognizes Senator
11 Lucio for questions.

12 SEN. LUCIO: Thank you, Mr. Chairman.

13 Senator Fraser, under this legislation,
14 there are no exceptions at all if you do not have a
15 driver's license -- and correct me if I'm wrong --
16 military ID, citizenship certificates, or passports.
17 Now, not even Senate IDs are appropriate for the
18 purposes of voting. That means the state employee
19 working in the building wishing to cast a ballot during
20 early voting at the Sam Houston Building couldn't use a
21 combination of their voter registration card and their
22 Senate ID. Further, this bill's requirements for
23 identification are stronger than what's used for new
24 employees in obtaining driver's license, the way we
25 understand it.

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1 Now, I know many people don't think it's
2 all that difficult to get a driver's license and that
3 everyone has one, but that's just not the case.
4 Eleven percent of Americans surveyed by the Brennan
5 Center for Justice do not have government-issued photo
6 ID. Forty percent of those without voter ID are
7 disproportionately the -- the elderly, the -- the
8 students, women, people with disabilities, low-income
9 people, and people of color.

10 According to disability advocates, nearly
11 10 percent of the 40 million Americans with disabilities
12 do not have any state-issued photo ID. So I do not see
13 how this legislation is going to ensure that they are
14 not kept from exercising their right to vote. Again,
15 it's a right. It's not a privilege. Plus, according to
16 that same survey, one of every five senior women does
17 not have a license.

18 What troubles me even more about the
19 legislation is that it could mean, for so many, under
20 this legislation, election workers will be responsible
21 for determining identity; and that has never been part
22 of their job as election clerks.

23 Now, I got a question.

24 SEN. FRASER: Is there a question coming?
25 I'm looking for the question.

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1 SEN. LUCIO: Yeah, it's coming up. I had
2 to --

3 SEN. FRASER: You've got about five or six
4 thoughts. I -- well, I'm going to --

5 (Simultaneous speaking)

6 SEN. FRASER: -- one of them. But you're
7 getting so many thoughts, I'll have trouble responding
8 to them.

9 SEN. LUCIO: What are -- what are they
10 going to do, Senator Fraser, when someone has
11 conflicting last names, conflicting last names on IDs,
12 on their voter rolls, and how many professional ballots
13 will be cast? Are counties ready to resolve all those
14 issues?

15 That might have been asked, I missed it,
16 and I apologize for that because we've been busy, as we
17 always are. But let me -- let me just ask this
18 question, as a follow-up.

19 (Simultaneous speaking)

20 SEN. FRASER: You've asked me 12 --

21 SEN. LUCIO: Go ahead and address --

22 SEN. FRASER: -- so far.

23 SEN. LUCIO: Go ahead and address that
24 one.

25 SEN. FRASER: Huh?

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1 SEN. LUCIO: Okay. Well --

2 CHAIRMAN DUNCAN: Wait, wait, wait, wait,
3 wait. Y'all are really crossing over to where you're
4 not making a good record, so one at a time. I think
5 Senator Fraser was answering a question; and if he could
6 answer it and, Senator Lucio, you could follow with
7 another question.

8 SEN. FRASER: And, Senator, if -- if you
9 really do want an answer to questions, I would love to
10 do one at a time because I actually --

11 SEN. LUCIO: Okay.

12 SEN. FRASER: -- you've asked so many
13 questions, I can't remember --

14 SEN. LUCIO: Okay.

15 SEN. FRASER: -- the first one.

16 CHAIRMAN DUNCAN: All right.

17 SEN. FRASER: But --

18 CHAIRMAN DUNCAN: Wait. You're doing it
19 again, Senator. If we could -- I'm going to stay on
20 this because we do want a good record.

21 SEN. FRASER: If you'll just allow me to
22 just answer a couple of them, and then we'll get them
23 out of the way.

24 SEN. LUCIO: I'll take one at a time.

25 What are you going to do when someone has

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1 conflicting last names on their ID on the voter rolls?

2 SEN. FRASER: Okay. I'm going to start
3 even further back than that.

4 I -- the -- the first observation you made
5 is that we're making it harder than getting a driver's
6 license. That is totally incorrect. Driver's license
7 is one of the things we're offering, so whatever
8 difficulty it is to get a driver's license, once they
9 get it, that is their identification. So this is not in
10 any way harder than getting a driver's license.

11 No. 2, you made an observation about the
12 elderly. We have two different observations that --
13 that come into play here. First one is that at -- if
14 they're 70 years old on January 1st, 2012, they are not
15 subject to this bill, so they are -- they are operating
16 under current law. And then, also, we are not in any
17 way impacting the mail-in ballot system that is in place
18 today. Any elderly person that wants to vote by mail
19 would -- would have the ability to do it.

20 So, you know, those things, I think,
21 are -- the question you're asking, the third question,
22 about if the name does not match on the -- the ballot,
23 that's the same question that's been asked probably five
24 times already today. My answer continues to be the
25 same, as I've told everyone. We have the Secretary of

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1 State coming. I don't -- I don't know the -- the exact
2 ruling of what they -- the Secretary of State, slash,
3 the election administrator is how they determine that;
4 and I would like that question to be asked to the
5 Secretary of State, if possible.

6 SEN. LUCIO: Okay. That's fine, Senator.

7 To obtain a driver's license, you could
8 use nonphoto options. Correct?

9 SEN. FRASER: Senator, you can ask that of
10 the DPS.

11 SEN. LUCIO: I'm sorry?

12 SEN. FRASER: If you would -- DPS is going
13 to be here. I would ask you that you could ask the DPS
14 their procedures for -- for getting...

15 SEN. LUCIO: Okay. Well, I have
16 information to that effect, but it's all right. I'll
17 wait for DPS.

18 Let me ask a question on -- on where we
19 have been in this country and this state, and we don't
20 want to go.

21 But do you know what the 24th Amendment
22 did?

23 SEN. FRASER: I'm sorry. I do not.

24 SEN. LUCIO: It ended -- it amended the
25 constitution to allow -- outlaw poll taxes; and it did

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1 so, and it ended in 1964. I was a freshman in college
2 at the time, and you must have been junior high.

3 SEN. FRASER: I was four or five, then,
4 Eddie, I guess. '64, I was 17 years old.

5 SEN. LUCIO: All right. I did a little
6 research, Senator, on the poll tax in --

7 SEN. FRASER: 15 years old.

8 SEN. LUCIO: -- Texas history. It's
9 something that personally hurts me. After all, my dad
10 had to pay a poll tax which wasn't that long ago. I
11 went to some of those elections with him because he
12 wanted to show me and make sure that I got involved in
13 the political process. I remember those elections, and
14 my -- my mother voted, too. But it was -- it was a
15 sacrifice, quite frankly.

16 Now, Texas adopted a poll tax in 1902. It
17 required that otherwise eligible voters pay between
18 \$1.50 and \$1.75 to register to vote. Now, \$1.75 may not
19 sound like a lot, but for a lot of families living on
20 the breadline, it made voting a privilege instead of a
21 right. Well, 1.75 -- \$1.75 adjusted for inflation today
22 is about 40 to \$45. That means, Senator, that's a mean
23 instrument -- excuse me -- using several ways of
24 calculating, including the consumer price index.

25 Now, 40 bucks is a symbolic figure. A

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1 driver's license or ID today costs \$25, even for a
2 renewal. And going to the DMV, which is Department of
3 Motor Vehicles, can take time. You're going to get
4 there, wait in line, return home, take off from work,
5 pay for the gas. Now, let's say it takes two hours.
6 Minimum wage in Texas is 7.25 an hour. So if you took
7 off two hours and paid for gas, you're looking at \$40,
8 the same amount of the old poll tax would cost today.
9 Don't -- don't you find that kind of ironic? I do.

10 Under this bill, voters will effectively
11 have to pay the same amount to vote that minorities and
12 the poor had to pay in poll tax in 1902. I'm serious,
13 though. Forty dollars is a lot of money for a lot of
14 people in my district living paycheck to paycheck. You
15 can buy a week's shopping for 40 bucks. You're either
16 going to eat or you're going to -- you're going to vote.
17 That is the choice many will think about making.

18 The poll tax was outlawed in -- in the
19 1960s by the 24th Amendment. It was outlawed because
20 the nation understood that poll tax -- taxes served as
21 one purpose, to --

22 (Simultaneous speaking)

23 SEN. LUCIO: -- disenfranchise minorities
24 and the vulnerable.

25 I'm leading to another question, if I may.

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1 Texas has a history, unfortunately, in my
2 opinion of voter suppression. Texas used the poll tax
3 to suppress voters. In fact, Texas only ratified the
4 24th Amendment in 2009, 2009.

5 So what is to stop future legislators
6 making a driver's license or an ID cost more than \$25?
7 We've talked openly over the last few months about
8 raising fees to cover the back -- the budget hole. So,
9 you know, it's -- it's happened with passports.
10 Passports keep going up and up in price. What if in the
11 future, driver's license cost \$125 or \$300? Would it be
12 a poll tax then? And would it be a poll tax then,
13 Senator?

14 SEN. FRASER: Senator, this bill in no way
15 envisions a poll tax. It has nothing to do with the fee
16 that is charged. You're on finance. You're the one
17 that has control over that. The bill we have before us
18 today -- there's nothing you've talked about the last
19 five minutes that has anything to do with this bill --
20 is that this bill is nothing more than showing your
21 driver's license or a ID that we will give them free of
22 charge that they can pick up after work that -- you
23 know, when I was picking cucumbers and -- you know, in
24 the afternoon, when I got off work, I could -- I still
25 had time before seven o'clock to go down and -- to the

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1 driver's license place to get the driver's license. So
2 this has -- this bill in no way has anything to do with
3 a poll tax.

4 SEN. LUCIO: Well, and I -- I appreciate,
5 you know, what you're saying. However, I just want to
6 make sure that it doesn't get out of hand. And I would
7 ask you, possibly, if you would vote, you would be
8 prepared to work with me and others to -- in order to
9 draft a constitutional amendment that would make any
10 raise in fees associated with driver's license or state
11 ID only possible by a two-thirds vote of each chamber.
12 You think that we could work to that end?

13 SEN. FRASER: Senator, I'm -- I'm not
14 going to commit on anything. You're on finance. Y'all
15 are going to have to work through the issues of
16 balancing the budget.

17 The bill that I'm laying out today, I
18 think, is a very fair way for people to identify
19 themselves, that they can prove they are who they say
20 they are when they go to vote. The -- the thing that I
21 would let you know that, you know, I want to make sure
22 that every -- we've -- we've talked to senator -- you
23 know, the -- Davis has asked about women. I want to
24 make sure that women, men, Hispanics, African Americans,
25 Anglos, everyone in the state has the same opportunity

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1 to go in and make sure that their vote is counted. And
2 I don't -- the things you're talking about really are
3 not part or subject to this bill.

4 SEN. LUCIO: Well, a driver's license is
5 part of it, I believe, and I'll be --

6 SEN. FRASER: But -- but the cost of a
7 driver's license is determined by the Finance Committee.

8 SEN. LUCIO: When -- when -- when does a
9 driver's license expire? I was going to ask you that
10 question.

11 SEN. FRASER: When does it expire?

12 SEN. LUCIO: Yes, sir.

13 SEN. FRASER: You know, interestingly, I
14 was in -- looking at mine just then, in my office. I
15 got a new one this year, and it's good for six years.
16 So every six years, evidently. I'm -- I'm going to ask
17 DPS that, but my assumption is that a driver's license
18 is renewed to last for six years.

19 SEN. LUCIO: Well, we talked about senior
20 citizens. There are senior citizens, 60, 70 years old,
21 who used an expired driver's license as a form of ID.
22 That's where I'm going with my questions and my remarks.
23 Are they no longer -- they no longer drive, but they
24 still vote.

25 Now, under this bill, they will have to

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1 renew their license in order to vote. Is that correct?

2 SEN. FRASER: You -- you've given a
3 hypothetical, and I guess it's one of the things --
4 actually, we were in the back discussing a question that
5 was brought up by Senator Davis about an expired
6 driver's license and at what point should it be -- how
7 long should it be used. I think someone used it for an
8 extended period, like the example you're giving, for
9 several years. Unfortunately, that's not a valid --
10 that would be considered a valid license.

11 SEN. LUCIO: I was under that impression
12 or to renew their passport or -- which are seldom used
13 by seniors.

14 SEN. FRASER: I disagree with that. I
15 travel with a lot of seniors. I think there's a lot,
16 you know.

17 SEN. LUCIO: Well, the ID. They use this
18 ID for passports.

19 Well, I obviously have a bunch of other
20 questions, but in the -- in the interest of time, I will
21 address these to you in writing because I'm very, very
22 concerned about, you know, some of the things that are
23 going to be transpiring. I think Senator Davis touched
24 on marriage -- the marriage -- marriage issues.

25 Or I'll give you one scenario, if I may.

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1 Two citizens that are getting married. The woman
2 getting married has decided to change her name. They
3 get the marriage certificate. They get married and so
4 on. But when the newlywed wife tries to vote, there is
5 a problem. The name on her voter ID does not match the
6 name on her voter registration. So maybe she did the
7 right thing and changed her name on the voter ID, but
8 before that, when she registered to vote, she had used
9 her maiden name. Maybe she registered to vote with her
10 new married surname but had not had yet changed her
11 voter ID to reflect a change of name. Maybe there is no
12 time to address it because she gets married in October.

13 SEN. FRASER: Senator, these --

14 SEN. LUCIO: Those are just scenarios that
15 are coming up.

16 Others that I'm concerned with are the 18
17 year olds that are turning 18 thirty days inside of --
18 you know, between a primary and a general election.
19 Many of them will not be able to register to vote.

20 There are so many different scenarios,
21 Senator, and I'm very concerned about whether or not
22 they will be disenfranchised. That's all. Thank you
23 very much for your time.

24 CHAIRMAN DUNCAN: Senator Van de Putte?

25 SEN. VAN de PUTTE: Thank you,

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1 Mr. Chairman.

2 Would author of the bill yield for some
3 clarification?

4 SEN. FRASER: I would yield.

5 SEN. VAN de PUTTE: Thank you very much,
6 Senator Fraser. I wanted to have a moment to clarify
7 some of the conversation and the points that we had on
8 our discussion earlier.

9 I thought that I had heard you say that
10 the bill that we had in the 81st Legislature was
11 actually modeled after Georgia. When after comparison,
12 I think that it was actually modeled more closely after
13 the Arizona bill, which is a Section 5 voting rights
14 state as well. And so I wanted to clarify that, but I
15 thought we had talked so much about the Georgia
16 legislation. So the -- the bill, Senate Bill 362, was
17 actually modeled more after Arizona's law.

18 SEN. FRASER: Senator --

19 SEN. VAN de PUTTE: And I --

20 SEN. FRASER: I am -- I don't want to
21 disagree with you, but I don't think Arizona's ever came
22 out of my mouth on this floor of the legislature about
23 last year's bill or this bill.

24 SEN. VAN de PUTTE: No.

25 SEN. FRASER: I'm -- the -- the bill that

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1 we modeled last year was a Texas model that we were
2 moving forward, and whenever earlier you were addressing
3 the Georgia bill -- you're a past president of NCSL, and
4 I have the NCSL analysis here. And that's the reason I
5 was confused because you were referencing Georgia, and
6 I've got --

7 SEN. VAN de PUTTE: That's correct.

8 SEN. FRASER: The document that came from
9 the organization that you chaired and that was the
10 reason I was confused about what you were representing.

11 SEN. VAN de PUTTE: Well, Senator, you
12 were confused, and I was confused. However, both -- I
13 think we can both agree that your bill, Senate Bill 14,
14 is more restrictive than current Georgia and Arizona
15 law; that this is based after an Indiana model, but it
16 is even more restrictive. I mean, you have a pretty
17 tight vote --

18 SEN. FRASER: I -- I --

19 SEN. VAN de PUTTE: -- of the bill.

20 SEN. FRASER: I disagree with you on that,
21 that there are -- are small things that we're different
22 on, which basically is the number of things that you can
23 use for identification. But there are a list. I think
24 they have six in Indiana. We have four in Texas. We're
25 under discussion about that four, should it be expanded.

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1 So saying that they're very different is
2 not a correct observation. There is very small
3 differences between the -- the Indiana, Georgia, or
4 Texas. They're actually very, very much alike, and that
5 also gives us the reason we believe it will be approved
6 by the Supreme Court and DOJ.

7 SEN. VAN de PUTTE: Well, I wanted the
8 opportunity to correct myself because Georgia only
9 allows for an alternate two forms in a provisional
10 ballot for first-time voters only, and so they do not
11 allow -- and I stand corrected. You are correct that
12 they don't have two forms of alternate that are not a
13 photo ID. The only time in the Georgia law that they
14 make reference to two forms -- and that's what I was
15 looking at and they have other things that they can use,
16 a bank statement, a current utility bill, a paycheck --
17 is when they are casting a ballot for the first time and
18 they have -- they are new registrants and they don't
19 have a photo ID.

20 So I stand corrected. You are correct in
21 that for a provisional ballot, they do not allow two.
22 The only time they do -- and I'm looking at their
23 Senate -- their -- their bill -- is on a -- and I stand
24 corrected. So I wanted to let you know that I misspoke.
25 That is not correct. It's only the two alternate forms

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1 when they're doing for first-time registrants.

2 SEN. FRASER: Thank you for that
3 correction, and that -- that is -- the documentation I
4 show does show that they require a photo ID.

5 SEN. VAN de PUTTE: And so I just want to
6 thank you for the ability to clarify this and know that
7 this is your -- this is a Texas bill, and it'll probably
8 be known as the Texas bill. And -- and -- and to your
9 credit, for every -- all the work that you've done, I
10 believe it is very stringent in small ways in the
11 wording. But for the groups of people that I think will
12 have a burden, they -- they have no alternate means.

13 So thank you very much for the opportunity
14 to clarify. And, Mr. Chairman, I don't have any other
15 questions of the author.

16 CHAIRMAN DUNCAN: Senator Ellis?

17 SEN. ELLIS: Just a couple questions,
18 Senator. I know you're tired. You've been up a long
19 time.

20 From your opening statement, the primary
21 reason for this bill is because of your concern about
22 voter fraud. Right? Voter fraud, that's the primary
23 reason --

24 SEN. FRASER: The integrity --

25 SEN. ELLIS: -- for the --

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1 SEN. FRASER: -- of the ballot, making
2 sure that the person that is trying to vote is who they
3 represent to be.

4 SEN. ELLIS: And if that's the case, why
5 wouldn't you apply a voter -- photo voter identification
6 requirement to mail-in ballots? Don't you think there's
7 probably room for more fraud for the mail-in ballots?

8 SEN. FRASER: I will support you a hundred
9 percent. You file that bill, you come forward with it,
10 and we'll talk about it. But this bill does not in any
11 way address mail-in ballots. This is only in-person
12 voter --

13 SEN. ELLIS: But you -- but you will
14 concede that there's probably room, just from a
15 layperson's perspective? Neither you nor I are experts
16 on it, and I'm just asking you to make the point. Will
17 you concede that there's room -- there's potential for
18 more fraud with a mail-in ballot than with somebody
19 showing up?

20 SEN. FRASER: I'm going to concede that
21 the bill that I'm laying out today will help a lot with
22 the in-person, you know, potential of fraud, and it will
23 make sure the person there is -- is who they say they
24 are.

25 SEN. ELLIS: If you just had to guess,

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1 would you think people who are more apt to do a mail-in
2 ballot would be people in the red jersey or the blue
3 jersey?

4 SEN. FRASER: I wouldn't be apt to guess.

5 SEN. ELLIS: Do you care?

6 SEN. FRASER: Oh, I care a lot, but I'm
7 not going to guess.

8 SEN. ELLIS: Okay. You heard the
9 discussion earlier about the concern -- I think even in
10 your district, some of those DPS offices, I think, on
11 that map may be closing a few days a week. So you --
12 you did say that you have some concern about access for
13 people to go and get --

14 SEN. FRASER: It -- it is a discussion
15 going on, and it's -- you know, there -- I actually was
16 grinning as they were talking about the -- the -- you
17 know, the offices, is that I have the same challenge
18 sometime; and, you know, you've got to work to make sure
19 that they're open.

20 But that's a discussion we're having
21 with -- with Senator Williams. He's having a discussion
22 with DPS, and we're -- we're trying to look at, through
23 his committee, the Finance Committee and communicate with
24 DPS, the -- the easiest way to make sure that everyone
25 can -- can comply.

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1 SEN. ELLIS: But you'll agree, it's a
2 problem? There's some concerns about it?

3 SEN. FRASER: I don't know that I'll agree
4 that it's a problem. Problem implies that, you know,
5 there are -- everyone works through it. I've got a
6 driver's license. You've got a driver's license.
7 Probably, I would love for them to come in my office and
8 take my picture, but it doesn't work that way. I have
9 to go and put out the effort to go and get it. And
10 that's the system we have, and we just need to make it
11 as easy as possible.

12 SEN. ELLIS: Well, what prompted you,
13 Senator, to carry this bill? I mean, was it
14 something -- just laying up at night? Did somebody come
15 to you? What -- you're such a handsome fellow, but why
16 you?

17 SEN. FRASER: The -- and actually, I'll go
18 back to -- you asked me the same question two years ago,
19 and it's in the record. We just, you know, entered it.

20 Actually, this is over a number of years,
21 just watching and looking at articles of things that
22 happened. Obviously, there's a lot of press about
23 the -- the Carter-Baker Commission of concern, and I
24 watched the issue. And it was being asked a lot, as I
25 was speaking out in the district, is that when are we

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1 going to, you know, address it. And I thought -- I
2 thought the issue had matured, and I decided to file it.
3 If you -- if you remember, this is the third session I
4 filed this bill.

5 SEN. ELLIS: Well, I've always known you
6 to be a member, Senator, who digs into an issue. You --
7 you read a lot.

8 Why would you say a new photo ID? Why
9 wouldn't you just make a -- have a bill that has a
10 requirement that we put a photo on the voter
11 registration card? I mean, wouldn't you agree?
12 Probably more people have a voter registration card in
13 Texas than have a driver's license.

14 SEN. FRASER: That -- well, I don't --

15 SEN. ELLIS: Okay. All right.

16 SEN. FRASER: I don't --

17 SEN. ELLIS: You think more people in
18 Texas --

19 SEN. FRASER: -- think that's true.

20 SEN. ELLIS: -- have a driver's license?

21 SEN. FRASER: I don't -- I'm having the
22 chairman of the committee that is over it --
23 interestingly, I want you to think about what you just
24 suggested, is that driver's license is going to be the
25 easy form of identification. We -- we know that 90-plus

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1 percent of the people -- and I think the number is
2 probably higher than that -- have a driver's license in
3 Texas.

4 But if you're going to put a picture on a
5 voter registration, that means that every single person
6 that's registered to vote has to go back in, have a
7 picture made, have the cost of putting it on there. So
8 it's not only the cost --

9 SEN. ELLIS: Let me try it a different
10 way. Do you think that more people who are registered
11 to vote -- you think that more people who are registered
12 to vote would have the voter registration card than a
13 driver's license?

14 SEN. FRASER: Say it again. Do it one
15 more time.

16 SEN. ELLIS: Do you -- would you agree
17 that more people --

18 CHAIRMAN DUNCAN: Senator? Senator Ellis,
19 y'all are talking over each other. If you --

20 SEN. ELLIS: Oh, are we? Should I back
21 up?

22 CHAIRMAN DUNCAN: Yeah -- no. No.
23 Just --

24 SEN. ELLIS: I'll talk slower.

25 CHAIRMAN DUNCAN: -- when he starts to

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1 answer the question, let him answer it and then ask
2 another question so only one person is speaking at a
3 time.

4 SEN. ELLIS: Okay.

5 CHAIRMAN DUNCAN: Thank you.

6 SEN. ELLIS: Are you through?

7 SEN. FRASER: I'm not even sure what the
8 question was.

9 SEN. ELLIS: The question is, would you
10 agree that more people who vote have a voter
11 registration card than a driver's license? They'd have
12 to because you've got to -- you're supposed to go get a
13 voter registration to be able to vote.

14 SEN. FRASER: Can I answer your question?

15 SEN. ELLIS: Yeah.

16 SEN. FRASER: I'm -- I'm sure everyone at
17 some point were mailed one, but it has been years since
18 I walked in with a voter registration card. I show my
19 driver's license when I vote, and I would say probably
20 that is -- do you show yours, or do you show your
21 driver's license?

22 SEN. ELLIS: I show my driver's license.

23 SEN. FRASER: Well, there's -- but you
24 have -- you probably were mailed a voter registration.

25 SEN. ELLIS: I have both.

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1 SEN. FRASER: Okay.

2 SEN. ELLIS: Let me ask you this: There's
3 an article in today's paper. It says nearly 650,000
4 Texans who refuse to pay surcharge penalties for drunken
5 driving, no insurance, and other violations are being
6 offered a one-time amnesty by the state. Those offered
7 amnesty represent just over half of the estimated
8 1.2 million Texans in default. It talks about what they
9 owe the state. But all of these folks who are in
10 default, because we balanced the budget in '03 with
11 surcharges for people who have a license, all have had
12 their licenses suspended for not paying. So would that
13 concern you any that, at least, according to folks who
14 go get amnesty, that's 1.2 million. That would be more
15 than that. There's 1.2 million owes the state X amount.
16 That's what this article is about.

17 But would you concede it ought to be a
18 problem because we've got a lot of people who had a
19 driver's license, I assume the one's who owe the
20 surcharges are -- you know, maybe a disproportionate
21 number of them are folks who didn't have the money to
22 pay the surcharges. Maybe some of them were just civil
23 libertarians, didn't like the bill and wouldn't pay it
24 period. But a lot of them are probably working-class
25 people who can't pay it. So at least over 1.2 million

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1 Texans since 2003 have gotten their licenses suspended,
2 so they will no longer have a valid driver's license
3 that they could use to go and vote like you and I do.
4 Does that concern you?

5 SEN. FRASER: Well, first of all, if -- if
6 some reason it's a felony, that -- of the crime that
7 they're not paying for, I'm not sure that they -- I
8 guess I'd question whether they're eligible. I don't
9 know the answer. We'd ask the Secretary of State that.

10 SEN. ELLIS: I don't think --

11 SEN. FRASER: But the easy answer to your
12 question is, we're going to give them an ID free. So if
13 they've lost their driver's license, all they got to do
14 is go back down and get a free ID. We'll hand them a
15 new one.

16 SEN. ELLIS: So you think the over
17 1.2 million people who had their licenses suspended
18 because of the surcharges this legislature put on them
19 in 2003 is not -- they haven't been convicted of a -- of
20 a felony. That's not on their record, but their license
21 has been suspended. They're being offered amnesty,
22 according to the article in today's paper. You think
23 that those folks would go and get this new ID? You
24 don't think they'd be worried about showing up and
25 somebody saying, "Hey, by the way, now that I know where

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1 you are, I want my money. I want some of this 1. --
2 \$1.1 billion that you owe to the state"?

3 SEN. FRASER: I'm not advised.

4 SEN. ELLIS: Okay. One distinction,
5 obviously, is these people still have a constitutional
6 right to be able to vote.

7 One last point. On the exemption for the
8 elderly, I don't know if I'm reading this right or not,
9 but in your mind, is that a one-time exemption or would
10 people over -- I think you and Senator West were going
11 through the age deal earlier, and we have to find out
12 from the Secretary of State which one of you hits 70
13 first. But if you have -- the way I read your bill, if
14 you don't hit 70 before that date in January, I believe,
15 of 2012, then it wouldn't apply. So anybody on this
16 floor who will be over 70 at some point or any of your
17 constituents who will hit 70 after that date in January
18 of 2012, would not have that exemption. Is that
19 correct?

20 SEN. FRASER: Yes.

21 SEN. ELLIS: So your intent is that one
22 time.

23 SEN. FRASER: No, it's not a one-time at
24 all.

25 SEN. ELLIS: Continuous for people who are

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1 already 70 after January of 2012?

2 SEN. FRASER: If you're 70 on January 1,
3 2012, you will be subject to current law the rest of
4 your life.

5 SEN. ELLIS: Okay. I want to make sure
6 that's clear, because some folks have --

7 SEN. FRASER: If you're 70 on that --

8 SEN. ELLIS: -- called my office from
9 AARP --

10 SEN. FRASER: Yes.

11 SEN. ELLIS: Okay.

12 SEN. FRASER: Yes.

13 SEN. ELLIS: So it's not for all people
14 over 70. Just those who will hit 70 by January of 2012.

15 SEN. FRASER: If you're 70 on January 1,
16 2012, you will be subject to the -- the -- not be
17 subject to these provisions. You basically will be
18 operating under current law for the rest of your life.

19 SEN. ELLIS: Are you confident, Senator,
20 that your bill would not have a disparate impact on the
21 elderly, on women, on those that are physically
22 challenged, on racial ethnic minorities?

23 SEN. FRASER: I am --

24 SEN. ELLIS: Are you confident?

25 SEN. FRASER: -- absolutely sure. I would

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1 not have filed the bill if I had thought it -- I want to
2 make sure that every person in the state has a right to
3 vote. The -- not -- you know, the right that we extend
4 them, they should have that, and I do not believe that
5 in any way we're impacting that and that -- that -- you
6 know, I want to make sure that the groups you're talking
7 about, you know, women, minority, elderly, that they all
8 have the right to vote; and I believe my bill does that.

9 SEN. ELLIS: Okay. And I know that's your
10 intent.

11 SEN. FRASER: Yes.

12 SEN. ELLIS: But you're confident that it
13 will have no impact?

14 SEN. FRASER: I'm very confident.

15 SEN. ELLIS: Okay. To that end, would you
16 have a problem with putting a provision in this bill so
17 that the Secretary of State would do an annual report on
18 whether or not this bill has had a disparate impact?

19 SEN. FRASER: I think we're going to get
20 our report back from the -- assuming it gets to the
21 Supreme Court and Department of Justice, I believe we'll
22 get our report card from that. And then through time,
23 if there are -- and I'm going to go back to the examples
24 of Indiana and Georgia. To my knowledge, there has
25 never been a person that has reported that had a

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1 problem -- came forward because they had a problem with
2 the laws they've, you know, implemented. We're doing
3 exactly the same thing.

4 So I think you and I, as legislators, if
5 there's a problem, will hear about it. And I would not
6 want to put the burden on an agency. You know, if we
7 hear about it, then we can do that in the future.

8 SEN. ELLIS: Maybe I'm just at a loss. If
9 you -- I know your intent, and you are confident your
10 bill will not have a disproportionate impact on certain
11 groups. I mean, were the concern be the methodology,
12 you could design that. But what would be wrong with the
13 Secretary of State doing an annual report on whether or
14 not this bill has a disproportionate impact on any
15 groups of people so that we know? What -- I mean, you
16 know, we -- oftentimes we pass -- I think we even have
17 a -- I think it might have been Shapleigh who put it in
18 some time ago, when we do a tax bill as a requirement,
19 that we have LBB do a disparate impact statement just so
20 we know because as you know, I mean, we're tinkering
21 with a constitutional right.

22 And, Senator, I might add, we're in a
23 state -- well, you know the history. I mean, initially,
24 you had to be a property owner to vote or you had to be
25 a male to vote, had to be a certain color to vote. Now,

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1 over time, that has gotten better; but in our southern
2 states, in particular, it has not been an easy journey
3 to get to where we are. So what -- what would be wrong
4 with just simply coming up with some simple methodology
5 and let the Secretary of State do that?

6 SEN. FRASER: We have a simple
7 methodology. It's called going into a session on the
8 second Tuesday of every -- you know, every odd year.
9 And you, as my desk mate, sitting beside me, I feel very
10 comfortable that we'll -- we'll get that -- you know,
11 we'll look at it every couple of years. So I -- I think
12 the fact that we come back in, we're going to be given
13 the opportunity every two years to -- to re-examine.
14 And there will be discussion about this, of whether it's
15 working or not.

16 SEN. ELLIS: To implement your bill,
17 you're going to use federal money to be able to do it.
18 Where would that money be used if it was not going to be
19 used to implement this new system?

20 SEN. FRASER: Well, obviously -- and,
21 again, I don't want to speak for the Secretary of
22 State's office. When they're here, they can give you an
23 ideal. But if there's a pretty good-sized pot of money
24 that's sitting there that we haven't spent yet and
25 we're -- you know, we're pretty good about being

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1 creative about, you know, where you spend money. So I'm
2 assuming that money is restrictive about where they can
3 spend it, and I think probably this is a -- an
4 application where it fits.

5 And I guess to answer to your question, I
6 don't know. You can ask them, but I think this is a
7 good place to spend it.

8 SEN. ELLIS: Would a new change go into
9 effect in the next cycle?

10 SEN. FRASER: I'm sorry. Do that again.

11 SEN. ELLIS: With a new election change, a
12 major requirement going into place for the next cycle
13 with new districts, you and I have new districts, do you
14 think it would make sense to give people the ability to
15 register on that day with the photo ID you're requiring?

16 SEN. FRASER: No.

17 SEN. ELLIS: So could you go in and
18 register on that day because some people are just maybe
19 confused about this new requirement we're putting in
20 place?

21 SEN. FRASER: We're going to spend a lot
22 of time and hopefully dollars educating both the public
23 and the -- the workers, and I think the system will work
24 very well like it is.

25 SEN. ELLIS: Your bill looks -- I mean,

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1 it's obviously a bit more stringent, bit more onerous
2 than the bill you had last session. And based on the
3 questions with you and, I think, Senator Van de Putte
4 earlier, it looks like this bill is also more stringent
5 than the Indiana bill that you modeled it after.

6 SEN. FRASER: That -- you missed the
7 conversation we just had with -- with Senator Van de
8 Putte. That is not the case. It actually is -- is a
9 very, very small change between --

10 SEN. ELLIS: They take student --

11 SEN. FRASER: Huh?

12 SEN. ELLIS: They take student IDs --

13 SEN. FRASER: Well, I --

14 SEN. ELLIS: -- in Indiana?

15 SEN. FRASER: We -- we have four forms of
16 IDs in this bill that we're accepting, but we're also
17 listening to the debate. Indiana has six forms.
18 Georgia I think expands it to about eight. So it's the
19 number -- the type of, but they're all photo --
20 government-issued photo IDs.

21 SEN. ELLIS: Okay. So I guess when I say
22 it's more onerous, there are more people in Texas who
23 would have a student ID than a passport.

24 SEN. FRASER: Not advised.

25 SEN. ELLIS: Okay. Do you know how many

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1 Americans have a passport?

2 SEN. FRASER: Not advised.

3 SEN. ELLIS: Well, I know from the press
4 counts, you and I have one. But -- but I'll just tell
5 you --

6 SEN. FRASER: We don't -- we don't talk
7 about that.

8 (Laughter)

9 SEN. ELLIS: We've gone to a few places
10 together.

11 Six percent of the people, I think, in
12 America have passports. I think about the lowest
13 percentage for most nations in the top 20, 6 percent of
14 the people in America have passports. So I guess I'm
15 saying, why would you choose that as one of your forms
16 of ID as opposed to a student ID when you know we have
17 problems getting young people sometimes to focus for
18 more than a week? But folks who have a passport, you've
19 got to be fairly worldly, shall we say, to go get a
20 passport. And if the number is 6 percent in America,
21 I'm just guessing less than 6 percent of the people in
22 Texas have a passport.

23 SEN. FRASER: We know the people that are
24 issuing the passports. We don't know where all the
25 student IDs are coming from because not all student IDs

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1 are issued with, you know, our -- our input. So the
2 easy answer to that is that we want to make sure that we
3 have something that is easily recognizable to the poll
4 worker, and we can verify that it is -- it is valid.

5 SEN. ELLIS: What if we tried to put in a
6 student ID from a state institution so at least we did
7 that.

8 SEN. FRASER: Senator, if you want to
9 offer amendments, as I told Senator Gallegos, I draw
10 them up, get it to you where I can look at it and get
11 plenty of time to look at it. There's -- you know,
12 we're going to look at every amendment. If you -- you
13 know, you can throw anything out. We'll discuss it.

14 But, I mean, the thing we're trying to do
15 is we're trying to make it easy as possible on the
16 Secretary of State and the poll worker as we implement,
17 making sure that it's easily identifiable but also, you
18 know, is good public policy.

19 SEN. ELLIS: Well, I'm just asking -- now,
20 I hate to take your time, but, I mean, you -- you put it
21 on the fast track. I mean, I -- I'd like to be working
22 on the budget or something else, but --

23 SEN. FRASER: I didn't put it --

24 SEN. ELLIS: -- since you put it on the
25 fast track.

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1 SEN. FRASER: I didn't put it on the fast
2 track. I'm -- you know, I did not put it on the fast
3 track. I think the -- the person in the center office
4 put it on a -- as an emergency bill and --

5 SEN. ELLIS: So you really don't want to
6 do this, do you?

7 SEN. FRASER: I am standing here
8 explaining it to you because I think it's good public
9 policy.

10 SEN. ELLIS: I'll leave you alone after
11 this one.

12 But based on the election results of the
13 last cycle, what fraud will your side of the aisle be
14 worried about? Senator Whitmire raised that with me the
15 other day. I'm saying this: As well as your side did,
16 seems like my side ought to be a little bit more worried
17 about if there was some fraud.

18 SEN. FRASER: I think if you look at the
19 polling in your district, your district is worried
20 because they're telling you you need to vote for it; and
21 I'm telling you, you're on the wrong side of this issue.

22 SEN. ELLIS: I respectfully would say you
23 ought to be a little careful with that notion of what
24 polling data says. I'm willing to bet you, Troy, when
25 our predecessors stood on this floor and sat in these

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1 seats and passed most of the restrictions, that at some
2 point were in state law, the polling data indicated they
3 were on the right side of history; but you and I know
4 they were on the wrong side of it.

5 SEN. FRASER: All I can tell you is the
6 question's pretty straightforward. It said -- they
7 asked the people in your area, "Should you have to show
8 a photo ID when you vote?" And the number across,
9 Republican, Democrat, Hispanic, African American,
10 others, were overwhelming.

11 SEN. ELLIS: Well, let me ask you this:
12 If I come up with some polling data that says they would
13 support same-day registration, recognizing student ID,
14 exempting people over 70 forever, not just for those who
15 hit 70 before the next election cycle, to what extent
16 would you be voting based on what the polling says?

17 SEN. FRASER: Well, come -- come forward
18 with your data. But I can tell you the things you've
19 mentioned, the only one that is applicable to this bill
20 is the -- the elderly because the same-day voting, those
21 other things, that's another issue for another day.
22 Doesn't fit on this bill.

23 SEN. ELLIS: Thank you.

24 CHAIRMAN DUNCAN: Chair recognizes Senator
25 Zaffirini.

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1 SEN. ZAFFIRINI: Thank you,
2 Mr. President -- or Mr. Chairman.

3 Senator Fraser, my first questions will
4 focus on the criminal justice impact, if you have a copy
5 of that.

6 SEN. FRASER: Well, excuse me, before
7 you -- what your first question should be, do I still
8 have my thick book that you were impressed with last
9 time. My --

10 SEN. ZAFFIRINI: Yes. I was --

11 SEN. FRASER: I reread the data last night
12 that you were going to instruct your staff asking them
13 why you didn't have one.

14 SEN. ZAFFIRINI: Well, good. I wish you
15 had it again.

16 SEN. FRASER: I do have it.

17 SEN. ZAFFIRINI: Good.

18 SEN. FRASER: Right here.

19 SEN. ZAFFIRINI: Good.

20 SEN. FRASER: I was -- oh, go ahead,
21 please.

22 SEN. ZAFFIRINI: But do you have a copy of
23 your criminal justice impact statement?

24 SEN. FRASER: I do now.

25 SEN. ZAFFIRINI: My first questions will

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1 focus on that.

2 In the first paragraph, you'll see that it
3 states very clearly that the punishment for attempting
4 to vote illegally would be enhanced from a Class A
5 misdemeanor to a state jail felony, and the punishment
6 for illegal voting would be enhanced from a third degree
7 felony to a second degree felony. What would be the
8 impact on our state budget of increasing those
9 penalties?

10 SEN. FRASER: I'm sorry. I'm not advised
11 as the impact on the budget, as you know. You're on
12 finance, I'm not. You would know that.

13 The second question I'm assuming you're
14 asking is, why we would consider doing this? Actually,
15 these suggestions were brought forward by Democratic
16 members of your delegation that said, "Why don't we go
17 ahead and increase it?" So we increased the penalties
18 for fraud. So the recommendations on doing this, it
19 actually was across the board. We had people on both
20 sides, but there was recommendations that we increase
21 these penalties.

22 The impact of the cost to the budget, I'm
23 sorry, I'm not advised. My job is to make sure the
24 public is well served, and if someone commits fraud
25 by -- by voter impersonation, that the penalties are

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1 strict.

2 SEN. ZAFFIRINI: But I am concerned about
3 this, Senator, and I don't know what Democrat or what
4 Republican asked you to make those changes. I was not
5 privy to that conversation.

6 But if you look at the last paragraph, it
7 says: Increasing the penalty for any criminal offense
8 is expected to result in increased demands upon the
9 correctional resources of counties or of the state due
10 to longer terms of probation, of longer terms of
11 confinement and county jails or prison. And then it
12 also states: When an offense is changed from a
13 misdemeanor to a felony, there is a transfer of the
14 burden of confinement of convicted offenders from the
15 counties to the state.

16 So earlier there was senators who talked
17 about unfunded mandates for the counties, but in this
18 case, we are -- we seem to be relieving the county of
19 some of its burden but then increasing the burden to the
20 state. And my question remains: At what cost?

21 Now, this bill, were it before the Finance
22 Committee, we would have a fiscal note; but because it's
23 not, it's because it's before the Committee of the
24 Whole. We are restricted to the fiscal note that we
25 have here, and it's strange that we don't have a

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1 connection between the cost of the criminal justice
2 impact and the fiscal note. It seems that there's two
3 independent documents, as they should be, but it seems
4 to me, that the fiscal note should reflect the cost that
5 is defined or, at least, specified in the criminal
6 justice impact statement.

7 SEN. FRASER: Well, and I think the easy
8 answer to that -- I'll -- if someone else, if -- we may
9 defer to Senator Williams, if he wanted to comment, or
10 another member.

11 But I think the easy answer to this is
12 that if we implement the photo ID, it's pretty
13 straightforward, that someone -- if they're going in, if
14 they have a driver's license and they're -- you're
15 attempting to vote, that there's a good assumption that
16 the driver's license is valid, that they are who they
17 say they are. So I'm -- we're hoping that the deterrent
18 will be that people will not try to vote fraudulently,
19 that the ones that are voting will be valid voters, and
20 we don't have a lot of people going to prison because
21 hopefully, they won't try to vote illegally. I --
22 that's the hope.

23 SEN. ZAFFIRINI: Well, actually, Senator,
24 that is why some of us are opposed to this bill because
25 we don't understand the problem that has been defined.

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1 For example, in that same paragraph, it says: In fiscal
2 year 2010, less than five people were under parole or
3 supervision for illegal voting. In fiscal year 2010,
4 five offenders were placed on community supervision, and
5 less than five offenders were released from community
6 supervision for illegal voting or attempting to vote
7 illegally; and then more important, in fiscal year 2010,
8 less than five people were arrested for illegal voting
9 or attempting to vote illegally.

10 So it seems to me that this criminal
11 justice impact statement makes the point that there
12 isn't a problem, especially if you look at the last
13 sentence: It is assumed the number of offenders
14 convicted under this statute would not result in a
15 significant impact on the programs and workload of state
16 corrections agencies or on the demand for resources and
17 services of those agencies. So if they don't see an
18 increased demand in this area because they don't see
19 people being arrested, then where's the problem?

20 SEN. FRASER: Well, and I guess I just
21 disagree with your analysis of this, is that voter
22 fraud, under current law, that our laws are so weak,
23 it's virtually impossible to -- to catch one and
24 convict; and that's the problem we're trying to address.

25 SEN. ZAFFIRINI: Well, okay, Senator.

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1 Thank you.

2 My next questions will focus on the fiscal
3 note. Do you have a copy of the fiscal note?

4 SEN. FRASER: I do. Somewhere.

5 SEN. ZAFFIRINI: I'll wait till you get
6 it.

7 SEN. FRASER: Yes.

8 SEN. ZAFFIRINI: You have it?

9 SEN. FRASER: I have.

10 SEN. ZAFFIRINI: So the fiscal note shows
11 \$2 million but all in fiscal year 2012. Why aren't
12 there recurring costs? Is that because the photo ID
13 card is issued in perpetuity, or it doesn't have to be
14 renewed?

15 SEN. FRASER: Senator, again, you're --
16 you're a member of finance who would know. You know,
17 this comes from LBB which did consultation with the
18 affected parties, which are Secretary of State, DPS.
19 We're going to have expert witnesses who will come up in
20 a minute --

21 SEN. ZAFFIRINI: Okay.

22 SEN. FRASER: -- and they will explain how
23 they delivered that data. I think probably what you're
24 going to hear from them is that a lot of the initial
25 cost would be in the education of the -- the -- the

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1 Secretary of State educating both voters and poll
2 workers and any initial -- the free cards that we're
3 giving out, there will be more, probably, the first year
4 than other years. I'm -- I'm assuming that's it, but I
5 think I'd ask that question of the Secretary of State
6 and DPS.

7 SEN. ZAFFIRINI: Well, but, again, the
8 fiscal note is submitted to the chair of the committee
9 that hears the bill. You'll notice at the top of
10 Page 1, it is directed to Robert Duncan, chair of the
11 Senate Committee of the Whole, not to Senator Ogden,
12 chair of Finance. And so it is not for the Finance
13 Committee to consider the costs and the implications of
14 these policy changes, but it's up to the Committee of
15 the Whole; and we are the ones who have this fiscal
16 note.

17 And I challenged the fiscal note last
18 time. Remember it was zero, and I couldn't believe it?
19 And I asked you questions about that, and I just
20 couldn't believe it. And so now, all of a sudden, it's
21 a fairly similar bill. Many would say more restrictive,
22 but now it has a fiscal note of \$2 million.

23 And did you say earlier, Senator, that
24 this cost would be covered by HAVA funds?

25 SEN. FRASER: And -- and the difference

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1 between this year and two years ago, I think the
2 assumption last year -- two years ago is that they would
3 just be able to use the HAVA funds. And, again, I think
4 you probably should ask the Secretary of State.

5 I believe since then, they have made a
6 request of HAVA requesting that, and HAVA's response, I
7 believe, is that they will wait until the bill is
8 passed. And when the bill is passed, then they will
9 make a determination on whether you could use the -- the
10 money. But we're also looking at history of other
11 states. They have been allowed to use HAVA money.

12 But, again, I think I'd ask the Secretary
13 of State that question.

14 SEN. ZAFFIRINI: Well, as the author of
15 this bill, would you prefer that the state pay this
16 \$2 million in costs, or would you prefer that we use
17 federal funds?

18 SEN. FRASER: I would prefer the money
19 that's sitting over here in a pot at the Secretary of
20 State -- that has not been spent; obviously, I'd much
21 rather use that.

22 SEN. ZAFFIRINI: Do you know, Senator,
23 what the HAVA funds are used for?

24 SEN. FRASER: For educating -- it's the --
25 help America vote. It's to encourage voting.

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1 SEN. ZAFFIRINI: So basically, if we use
2 the HAVA funds for this purpose, we are repurposing the
3 HAVA funds that are already there and intended for
4 things like new equipment and ongoing training programs?

5 SEN. FRASER: Senator, I don't think -- I
6 think the decision will be made by the federal agency
7 that sent us the money, the HAVA people; and if they've
8 already authorized other states to use this for voter --
9 it's for voter education, and this would fall in the
10 area of voter education, I would assume.

11 SEN. ZAFFIRINI: Well, it's my
12 understanding, Senator, that it is for the state to
13 submit a plan. The federal government doesn't tell us
14 what to do in that area, not that it doesn't tell us in
15 other areas.

16 SEN. FRASER: And, Senator, I hate -- it's
17 the same answer I've given multiple people before, is
18 that the Secretary of State will be coming up. I think
19 that's the person to address this.

20 SEN. ZAFFIRINI: Do you have any
21 suggestions regarding the training that is referred to
22 on Page 2 of the fiscal note, local government impact?

23 SEN. FRASER: I do not. That, again,
24 will -- it is the job of the Secretary of State to
25 administer that, recommend the training, and I believe

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1 they have the authority under current law.

2 SEN. ZAFFIRINI: And you have no
3 information, then, about any recurring costs that we
4 should worry about?

5 SEN. FRASER: I have none.

6 SEN. ZAFFIRINI: And to whom would you
7 refer us on that issue?

8 SEN. FRASER: On recurring costs?

9 SEN. ZAFFIRINI: Uh-huh.

10 SEN. FRASER: Could you give me an
11 example? I don't -- I don't think I --

12 SEN. ZAFFIRINI: Well, the fiscal note
13 shows all the expense in fiscal year 2012, and then it
14 doesn't show any other expenses --

15 SEN. FRASER: I --

16 SEN. ZAFFIRINI: -- beyond that.

17 SEN. FRASER: I would ask the Secretary of
18 State or DPS.

19 SEN. ZAFFIRINI: It just seems to me,
20 Senator, that there will be recurring costs because one
21 example would be the State's responsibility to provide
22 free photo ID cards on a recurring basis to the
23 significant portion of our population that moves
24 regularly. They move from one part of the state to
25 another, and they might need a different card in that

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1 area. And that would be a recurring cost, would it not?

2 SEN. FRASER: Senator, since 2006, there
3 have only been 37,000 people that registered to vote
4 that did not have a current driver's license. That --
5 that's in the last five years. So the assumption is,
6 the number that is coming into the system that would not
7 have a card, the number is very low. The cost of that
8 card is not a huge number. So actually, the amount that
9 it would cost to take care of them is a -- not a large
10 number.

11 SEN. ZAFFIRINI: What I'm worried about,
12 Senator, as a member of the Finance Committee, is
13 unintended consequences and unexpected costs. Not
14 unexpected because we don't foresee them and can't
15 identify them, but because of the criminal justice
16 impact statement and because of the fiscal note that we
17 have that simply don't address these issues.

18 For example, Line 12, Page 12 of the bill,
19 you refer to the cost of the get-out-the-vote efforts;
20 and basically, the fiscal note states: The analysis is
21 incomplete because, quote, it is not known how many
22 voter registration drives or other activities designed
23 to expand voter registration would occur. So we don't
24 even have an estimated cost of one voter registration
25 drive. And if it is our intent to ensure that we have

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1 more, we're not considering the cost, it seems to me
2 that we are being irresponsible in terms of identifying
3 the exact cost or the best estimated cost of this bill.

4 SEN. FRASER: And we are -- have the
5 benefit of not being the first one to implement this.
6 We don't have to reinvent the wheel. We can look at the
7 history of states that have implemented, like Indiana,
8 Georgia, and others, look at common things that have
9 happened there. We're going to have a person from
10 Indiana here. I think it -- that would probably be a
11 question you might ask, is the reoccurring cost, because
12 they've had this in effect. I believe they passed it in
13 2006.

14 SEN. ZAFFIRINI: But, of course, when we
15 talk about other states, including Indiana, we -- Texas
16 is much bigger and much more diverse; and so our
17 problems will be very different, our challenges will be
18 very different, and I believe our costs will be
19 significantly higher. But, again, I'm concerned as a
20 member of the Finance Committee.

21 But speaking of costs related to other
22 states, are you aware, Senator, that in many, if not
23 all, of the states that have implemented photo ID bills,
24 including those with less restrictive laws than the one
25 that you propose, they have been challenged in court.

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1 What costs are we anticipating regarding being
2 challenged in court because of this bill?

3 SEN. FRASER: I'm -- I'm not advised, that
4 you're making an assumption we'll be challenged, and
5 I'm -- I do not -- I'm not advised.

6 SEN. ZAFFIRINI: I think it's a pretty
7 safe assumption. Indiana was challenged, and as I said,
8 many, if not all, of the states that have implemented
9 these bills have been challenged.

10 So I think, again, as members of the
11 Finance Committee, as members of the Senate, even those
12 who are not members of the Finance Committee, should
13 look at that as a possibility and certainly should
14 consider the costs. Is this where we want to spend our
15 money? Even the \$2 million. What if HAVA funds are not
16 used for this purpose? Is this where we want to spend
17 the \$2 million and significantly more in defending the
18 bill instead of addressing the other issues that we are
19 facing right now because of economic crisis in Texas?

20 SEN. FRASER: Was that a question?

21 SEN. ZAFFIRINI: Yes. Is it?

22 SEN. FRASER: Is what? Should --

23 SEN. ZAFFIRINI: Is this where we want to
24 spend our money?

25 SEN. FRASER: It's -- the decision on

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1 that, you know, I'm not on Finance, you are. You're --
2 you're -- you're asked to make those hard decisions. So
3 that, I would -- you know, that'll go back to the
4 Finance Committee.

5 SEN. ZAFFIRINI: Okay.

6 SEN. FRASER: But you're also making an
7 assumption that there's going to be an expense, which I
8 don't think there will be one because I think we'll be
9 able to spend the HAVA funds.

10 SEN. ZAFFIRINI: All right. Well, we
11 disagree on those. I think those assumptions are fairly
12 safe.

13 Senator Fraser, Senator Van de Putte
14 distributed this map earlier. Have you seen this map?

15 SEN. FRASER: I have not.

16 SEN. ZAFFIRINI: Basically, it shows
17 her -- if my -- Mr. Chairman?

18 CHAIRMAN DUNCAN: Senator Zaffirini?

19 SEN. ZAFFIRINI: If I may direct a
20 question to Senator Van de Putte?

21 CHAIRMAN DUNCAN: Pardon?

22 SEN. ZAFFIRINI: If I may direct a
23 question to Senator Van de Putte?

24 CHAIRMAN DUNCAN: Senator Van de Putte
25 doesn't have the floor.

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1 SEN. ZAFFIRINI: That's why I'm asking.

2 SEN. FRASER: And -- and I won't yield.

3 SEN. ZAFFIRINI: You won't yield?

4 SEN. FRASER: No, I will not yield.

5 SEN. ZAFFIRINI: All right.

6 SEN. FRASER: You -- I'll be glad to
7 answer the question.

8 SEN. ZAFFIRINI: All right. I simply
9 wanted to ask if she planned to distribute this, and if
10 so, I wasn't going to address it.

11 CHAIRMAN DUNCAN: If you want to introduce
12 the exhibit, you're welcome to do so. We've marked it,
13 I think.

14 SEN. ZAFFIRINI: All right. Then I would
15 like --

16 SEN. FRASER: Senator, I'm sorry. I have
17 a map in front of me. I had not seen it, so --

18 SEN. ZAFFIRINI: All right. Well, Senator
19 Van de Putte has indicated that I can request permission
20 to introduce this as an exhibit.

21 CHAIRMAN DUNCAN: Okay. I think it's been
22 marked, and would you -- would you bring it down,
23 please?

24 SEN. ZAFFIRINI: I believe Senator Van de
25 Putte has a clean copy. And this is a map that Senator

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1 Van de Putte had developed, and it's titled, "Counties
2 With Department of Public Safety Driver's License Office
3 Closures."

4 My question, Senator Fraser, would focus
5 on my district. For example, in my district, which
6 comprises 16 counties and part of Bexar, Northeast
7 Bexar, there is one county that has wheelchair
8 accessibility barriers; there are two counties that have
9 absolutely no driver's license offices; there are four
10 that have offices that are temporarily closed; and there
11 is one that has an office that is open three days or
12 fewer each week. And so you can see the accessibility
13 issues that we're dealing with, and you can -- when you
14 get the map -- oh, you do have a copy of the map. You
15 can see the difference throughout the state. There are
16 some states that you can see have a lot of pink, a lot
17 of blue, a lot of green, and then -- counties, rather --
18 and there are others that are just white, that have
19 absolutely no barriers.

20 So, Senator Fraser, looking at this map,
21 are you concerned that this bill would impact certain
22 counties that have a problem related to the
23 accessibility to driver's license offices?

24 CHAIRMAN DUNCAN: Senator Zaffirini, if I
25 could -- before you get an answer to that question,

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1 let's get it in the record so everybody knows what we're
2 talking about.

3 SEN. ZAFFIRINI: All right.

4 CHAIRMAN DUNCAN: It's Exhibit --

5 SEN. ZAFFIRINI: Mr. Chairman?

6 CHAIRMAN DUNCAN: It's Exhibit 6, I
7 believe. Is that correct? It's not the two that you've
8 previously submitted.

9 SEN. ZAFFIRINI: No.

10 CHAIRMAN DUNCAN: Is that correct?

11 SEN. ZAFFIRINI: It's Exhibit 6, then,
12 according to --

13 CHAIRMAN DUNCAN: Okay.

14 SEN. NELSON: Mr. Chairman?

15 CHAIRMAN DUNCAN: And for what purpose?

16 SEN. NELSON: It's me, and to ask Senator
17 Zaffirini a question or to point out that some of us do
18 not have a copy of this map.

19 CHAIRMAN DUNCAN: Okay. Well, that would
20 be a parliamentary inquiry and --

21 SEN. NELSON: Then I would like to make
22 that.

23 CHAIRMAN DUNCAN: That's what I'm trying
24 to clear up, is I'm trying to get the exhibit in so that
25 we can distribute it so that everyone can understand

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1 what the questions are.

2 Would you identify it, please? What's the
3 title of it?

4 SEN. ZAFFIRINI: Yes. It is titled,
5 "Counties with Department of Public Safety Driver's
6 License Office Closures." It is a map of Texas showing
7 this -- these issues, and it was developed by Senator
8 Van de Putte. I had assumed that she had introduced it
9 into the record or had planned to, but I'm happy to do
10 it.

11 CHAIRMAN DUNCAN: Okay. Do we have
12 copies?

13 SEN. NELSON: We don't. Only the
14 Democrats do.

15 CHAIRMAN DUNCAN: Okay. Well, here's what
16 I would suggest so that other members have an
17 opportunity to follow your questions and the answers,
18 that we at least get copies of that exhibit and
19 distribute it, if we could do that. And then, so if we
20 could defer on that until we get that done, Senator --

21 SEN. ZAFFIRINI: Certainly.

22 CHAIRMAN DUNCAN: -- that would be
23 helpful.

24 SEN. ZAFFIRINI: Absolutely. No problem,
25 Mr. Chairman.

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1 Moving right along. I do have exhibit --
2 I guess it's 4 --

3 CHAIRMAN DUNCAN: We do have --

4 SEN. ZAFFIRINI: -- and Exhibit No. 5 that
5 I'd like to enter into the record --

6 CHAIRMAN DUNCAN: Okay.

7 SEN. ZAFFIRINI: -- at this time. And
8 I'll wait until they're distributed, if you -- if I may
9 be permitted.

10 CHAIRMAN DUNCAN: Would you identify
11 Exhibit 4, please?

12 SEN. ZAFFIRINI: Certainly. Exhibit 4 is
13 a copy of a driver's license with personal information
14 obliterated.

15 CHAIRMAN DUNCAN: Thank you. And
16 Exhibit 5?

17 SEN. ZAFFIRINI: Exhibit 5 is a letter
18 directed to me, which I received today, from Spencer
19 Overton, professor of law at the George Washington
20 University Law School and a member of the Carter-Baker
21 Commission on federal election reform.

22 CHAIRMAN DUNCAN: All right. Those
23 exhibits will be received in the record and distributed
24 to the members.

25 (Exhibit Nos. 4 and 5 marked and admitted)

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1 CHAIRMAN DUNCAN: Senator, you're -- you
2 can --

3 SEN. ZAFFIRINI: Thank you.

4 CHAIRMAN DUNCAN: -- continue on those
5 exhibits.

6 SEN. ZAFFIRINI: Senator Fraser, thank you
7 for your courtesy and for your patience and your
8 stamina. I'm impressed, as always.

9 On Page 4 of your bill, Senator Fraser,
10 Line 8, it states that "and the voter's identity can be
11 verified from the documentation presented under
12 Subsection (b), the voter shall be accepted for voting."
13 Can you describe what training the poll workers would
14 receive to ensure that they are trained in
15 identification verification?

16 SEN. FRASER: Senator, you're moving
17 faster than I can. I'm on Page 4. Where are you
18 referring?

19 SEN. ZAFFIRINI: Line 8 of the bill.
20 Well, basically, that's all it says, that if the
21 voter's -- that "If the voter's identity can be verified
22 from the documentation presented, the voter shall be
23 accepted for voting." That's the only part that I'm
24 quoting, and then I'm asking what kind of training the
25 poll workers would undergo in identification

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1 verification.

2 SEN. FRASER: Great question to the
3 Secretary of State.

4 SEN. ZAFFIRINI: To the Secretary of
5 State.

6 Do you worry at all, Senator, and I
7 know -- I believe it was Senator Davis who asked this
8 question earlier: Do you worry at all about people who
9 don't look like their driver's licenses at all?

10 SEN. FRASER: I'm sorry. I -- there's so
11 many things to worry about in life, that's -- you know,
12 the -- the question you're asking, I think, is covered
13 by the Secretary of State; and I believe they would make
14 a determination.

15 SEN. ZAFFIRINI: Well, Senator Fraser, I
16 have distributed Exhibit 4. Would you take a good look
17 at that, please?

18 And, Members, I ask you to please look at
19 my Exhibit 4 and look at the photograph of this driver's
20 license. Has anyone of you ever seen this person
21 before? He looks familiar?

22 SEN. FRASER: Yes.

23 SEN. ZAFFIRINI: Can you identify this
24 person? I'd like to ask this person to stand.

25 (Unidentified person stands)

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1 SEN. ZAFFIRINI: Take a good look. Look
2 at that picture. Look at him. That's right. That --
3 and this picture was taken in 2006. Now, if I didn't
4 know Ray, who is my chief of staff, and I were to look
5 at this picture, I would say, "You're not verified. You
6 can't vote. You're an imposter." Look at the
7 difference. Total difference, and yet this photograph
8 was taken in 2006, and so it's current, it's valid. And
9 you can see if we who know him and have seen him, see
10 him every day, don't recognize his picture, imagine what
11 a poll worker would do with a driver's license like
12 this.

13 UNIDENTIFIED SPEAKER: (Mic off)

14 SEN. ZAFFIRINI: He's not a Laredoan, so
15 don't worry about it.

16 (Laughter)

17 SEN. ZAFFIRINI: Senator Fraser, do you
18 understand why we worry?

19 (Senator Shapiro speaking without mic)

20 SEN. ZAFFIRINI: Well, it's a very good
21 point to make, Senator Shapiro, that we should look at
22 our composite photos; and most of us don't look like
23 them, and yet they have the dates like 2008.

24 SEN. WEST: We keep using those pictures.

25 SEN. ZAFFIRINI: 2009. We sure keep using

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1 those pictures, so what would happen?

2 My next question, Senator Fraser, focuses
3 on Exhibit 5.

4 And, Members, you have a copy of
5 Exhibit 5.

6 And it is a letter directed to me from
7 Spencer Overton, professor of law from George Washington
8 University. And basically, I received this letter from
9 Professor Overton today, and it directly addresses
10 Senate Bill 14's inconsistency with the Carter-Baker
11 Commission.

12 Specifically, the letter states that
13 Professor Overton wrote this letter to, quote, Refute
14 claims that Senate Bill 14 is consistent with the
15 recommendations of the Carter-Baker Commission. And
16 according to Professor Overton, quote, The Commissioners
17 recommended requiring photo ID of voters only if state's
18 assumed the responsibility to seek out citizens and
19 provide them with an ID free of charge, if states assume
20 the responsibility to seek out unregistered citizens and
21 register them and automatically update the registration
22 of citizens when they move, and if states allow citizens
23 without a photo ID to vote by signing an affidavit under
24 penalty of perjury for the first two federal elections
25 following adoption of the photo ID.

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1 Now, Senator Fraser, this bill does not
2 meet any of these criteria. Is that correct? Under
3 your bill, the state would not assume any of these
4 responsibilities?

5 SEN. FRASER: Not advised.

6 SEN. ZAFFIRINI: Well, I assure you,
7 Senator, that it does not. But Professor --

8 SEN. FRASER: I disagree.

9 SEN. ZAFFIRINI: Could you show me it
10 does, where in your bill it would allow this?

11 SEN. FRASER: I'm not advised. This --
12 there's been no representation made that we are modeling
13 this bill after the -- the Carter-Baker recommendations.
14 This bill is moving forward as a bill that when someone
15 votes, they will present an ID to show they are who they
16 say they are. The bill that I'm passing we think will
17 be approved by the Supreme Court and will be approved by
18 Department of Justice.

19 SEN. ZAFFIRINI: Well, then, let me ask
20 you a question. Where in your bill does it specify that
21 the state would assume the responsibility to seek out
22 citizens and provide them with an ID free of charge?

23 SEN. FRASER: I would think it would be
24 your responsibility to show in the bill, you know,
25 your -- the bill speaks for itself.

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1 SEN. ZAFFIRINI: So you can't tell me if
2 your bill does that?

3 SEN. FRASER: The bill speaks for itself.
4 The language of the bill is very clear as to what the --
5 the issues we're addressing.

6 SEN. ZAFFIRINI: Okay. Do you know,
7 Senator Fraser, if this -- under your bill, the state
8 would assume the responsibility to seek out unregistered
9 citizens and to register them and automatically update
10 the registration of citizens when they move?

11 SEN. FRASER: I don't believe that is
12 covered in my bill.

13 SEN. ZAFFIRINI: It is not.

14 And do you know, Senator Fraser, if your
15 bill -- under your bill, the state would allow citizens
16 without a photo ID to vote by signing an affidavit under
17 penalty of perjury for the first two federal elections
18 following adoption of the photo ID bill?

19 SEN. FRASER: Every person that votes will
20 be required to have a photo ID.

21 SEN. ZAFFIRINI: Well, basically, it seems
22 to me, my analysis is that Senate Bill 14, as
23 introduced, does not meet these specifications of the
24 Carter-Baker Commission.

25 And what's more, in this letter that you

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1 have, Members, Professor Overton states that, quote,
2 Even President Carter and Secretary Baker rejected the
3 strict photo ID requirement initially adopted in Georgia
4 after concluding it was discriminatory because it was
5 costly or difficult for poor Georgians to obtain the
6 identification for voting, unquote. But according to
7 Professor Overton, quote, It devotes insufficient
8 resources to address the burdens it would impose on
9 Texas voters who lack photo ID.

10 SEN. FRASER: That is absolutely
11 incorrect. The original observation -- the bill that
12 was filed in Georgia was changed, and the bill that
13 originally -- that is in law now, that was not their
14 observation. And that was written in 2005. The bill
15 was replaced 2008. That was not their observation.

16 SEN. ZAFFIRINI: Well --

17 SEN. FRASER: That it was -- I saw that
18 comment made in a 2005 comment, but you're also making
19 sure you don't take it out of context. And the -- the
20 law that had been passed by Georgia was revisited. They
21 passed a different law, and then that law was -- that
22 bill was precleared by Department of Justice.

23 SEN. ZAFFIRINI: But it still required --

24 SEN. FRASER: So the bill he's --

25 SEN. ZAFFIRINI: -- photo ID.

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1 SEN. FRASER: -- addressing is not law --
2 current law in Georgia.

3 SEN. ZAFFIRINI: But the Georgia law still
4 requires a photo ID.

5 SEN. FRASER: Yes, it does.

6 SEN. ZAFFIRINI: It does.

7 And finally, Professor Overton closes with
8 his statement that the current proposal for a photo ID
9 law in Texas is inconsistent with the recommendations of
10 the Carter-Baker Commission.

11 SEN. FRASER: I disagree with that.

12 SEN. ZAFFIRINI: Why, Senator?

13 SEN. FRASER: I just disagree with that.

14 SEN. ZAFFIRINI: Are there any specific
15 points that you disagree with that he made or that I
16 quoted in his letter?

17 SEN. FRASER: I'm -- you know, the letter
18 that you're laying out is -- the first time I've seen it
19 is just then. We're -- our bill is not -- we're not
20 trying to model it after that, but the Carter-Baker
21 Commission very clearly recommended a photo ID.

22 SEN. ZAFFIRINI: Well, Senator, the reason
23 that we asked for this letter, we followed up on your
24 early statement when you laid out the bill. And you
25 referred to the Carter-Baker Commission, and it was

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1 based on your statement that we followed up and did this
2 immediate research and got this letter written to us.

3 SEN. FRASER: Will you show me where I
4 referred to it in my opening statement?

5 SEN. ZAFFIRINI: Well, I don't have the
6 transcript yet; but as I recall, you referred to it in
7 your opening statement.

8 SEN. FRASER: Do you want me to read what
9 I said again from the opening statement?

10 SEN. ZAFFIRINI: Yes, would you?

11 SEN. FRASER: I read two --

12 SEN. ZAFFIRINI: Your copy to the -- your
13 reference to the Carter-Baker Commission report.

14 SEN. FRASER: I said, "The Carter-Baker
15 Commission reaffirms the dangers. Elections are at the
16 hard democracy. Americans are losing confidence in the
17 fairness of elections, and while we do not face a crisis
18 today, we need to address the problems of our electoral
19 system. At the end of the day, there's considerable
20 national evidence of in-person fraud; and regardless of
21 whether one believes that voter impersonation is
22 widespread or relatively rare, there can be no serious
23 dispute that -- that real effect can be substantial
24 because in a close election, even a small amount of
25 fraud could take -- be the margin of difference."

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1 SEN. ZAFFIRINI: Well, sir.

2 SEN. FRASER: That was a quote that was
3 made. It was -- it was used not only there, but it is
4 also used later in the Supreme Court decision.

5 SEN. ZAFFIRINI: Right. And, Senator
6 Fraser, it is because I was surprised at that statement
7 that we followed up, and it seems that that is in the
8 report. But there is other information in addition to
9 that, so I could turn around and say, "Well, are you
10 taking it out of context?" I won't raise that question
11 as a courtesy, but I could raise it.

12 But on the other hand, what I want to make
13 very clear is that the reason we followed up was that
14 you made this opening statement.

15 SEN. FRASER: Your letter is dated January
16 the 24th. I made the statement this morning. Was --
17 did I make the statement, and then he -- he wrote the
18 letter and sent it to you today?

19 SEN. ZAFFIRINI: Well, I requested it
20 today, so that's perhaps a typo because we received it
21 today. Let me check. We received it -- we received it
22 this morning.

23 SEN. FRASER: Before I made the statement?

24 SEN. ZAFFIRINI: It should be
25 January 25th.

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1 SEN. FRASER: But you -- you said that you
2 responded -- that you requested it after I made the
3 statement in my --

4 SEN. ZAFFIRINI: I requested --

5 SEN. FRASER: -- opening comments.

6 SEN. ZAFFIRINI: I requested this
7 information based on your opening statement, and I
8 received this letter today. That's correct. Okay?

9 Thank you very much, Senator. I
10 appreciate, as I said, your courtesy and your patience.

11 SEN. FRASER: Thank you.

12 CHAIRMAN DUNCAN: Members, we've been
13 going for a while, and I think it would be -- we're kind
14 of at a -- maybe getting close to a breaking point. Why
15 don't we go ahead and take a ten-minute break and then
16 reconvene, give the court reporter and staff a minute or
17 two to rest. So a time certain, we'll stand at ease
18 until 2:30.

19 (Recess: 2:21 p.m. to 2:34 p.m.)

20 CHAIRMAN DUNCAN: Senate Committee of the
21 Whole will come back to order. Senator Hinojosa?

22 SEN. HINOJOSA: Thank you, Mr. Chairman.
23 Senator Fraser?

24 SEN. FRASER: These are actually pretty
25 good.

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1 SEN. HINOJOSA: Can you hear me?

2 SEN. FRASER: Yes, this is -- these are
3 much better. Yes, I do. I can hear you.

4 SEN. HINOJOSA: I just have a few
5 questions that I'd like to follow up on.

6 Do you know how many people are registered
7 to vote here in the state of Texas?

8 SEN. FRASER: Oh, I do -- I'm sorry, I do
9 not know.

10 SEN. HINOJOSA: Approximately, 13 million.

11 SEN. FRASER: Okay. 13, yeah. Okay.

12 SEN. HINOJOSA: Yeah. And do you know how
13 many voted in the last election?

14 SEN. FRASER: No, I'm not advised on that
15 either. I'm sorry.

16 SEN. HINOJOSA: Close to 5 million voters
17 voted this last election. And do you know how many
18 people were arrested or prosecuted or indicted for
19 trying to use somebody else's voter registration card?

20 SEN. FRASER: I'm sorry, not -- no, I do
21 not have that number.

22 SEN. HINOJOSA: None?

23 SEN. FRASER: I don't -- I don't have the
24 number, I'm sorry. I'm not advised.

25 SEN. HINOJOSA: Well, do you have any

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1 evidence?

2 SEN. FRASER: I'm sorry?

3 SEN. HINOJOSA: Do you have any evidence?

4 SEN. FRASER: Evidence?

5 SEN. HINOJOSA: Yeah, evidence to support
6 your bill about voter fraud when they go to vote?

7 SEN. FRASER: Senator, you know the thing
8 that we're trying to address here is that, as you know,
9 it's virtually impossible to detect voter fraud because
10 our current law makes it impossible not only to -- to
11 verify that they're voting illegally, but even if you
12 catch them, we don't have the ability to stop them from
13 voting. So the -- the ability to stop someone today
14 voting illegally is almost impossible in Texas. That's
15 the thing that I'm trying to address with my bill, is
16 that we believe if we make them show a voter ID, then we
17 will know that they are who they represent themselves to
18 be.

19 SEN. HINOJOSA: Actually, Senator Fraser,
20 back home, most of the election judges know who the
21 voters are in their precincts.

22 SEN. FRASER: Well, that's interesting.
23 Back home, in the area you're from, most of the -- or a
24 lot of the stories that I've seen reported to the
25 media -- and actually, you've got two voter registrars

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1 through your area that have endorsed this concept
2 because they are -- they are having a problem with voter
3 fraud, and I -- that actually -- I'm -- I'm responding
4 to things I've read they've said in the media. But I
5 believe there are numerous registrars that believe this
6 is a -- a large problem.

7 SEN. HINOJOSA: Well, I hear what you're
8 saying, but I don't see any evidence. There's a lot of
9 anecdote, a lot of rumors and guessing and speculation,
10 which I don't think it's a way to make good public
11 policy.

12 Are you familiar with the Carter-Baker
13 Commission on federal election reform?

14 SEN. FRASER: Senator, what are you -- I'm
15 sorry. What --

16 SEN. HINOJOSA: Are you familiar with the
17 Carter-Baker Commission on federal election reform?

18 SEN. FRASER: Yes, I am.

19 SEN. HINOJOSA: Okay. Are you aware that
20 by putting a requirement of having a photo ID to be able
21 to vote, that there are approximately 3 million
22 registered voters in the state of Texas that do not have
23 voter ID?

24 SEN. FRASER: I don't know where you get
25 that number.

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1 SEN. HINOJOSA: Well, if you look at
2 3 million people who are going -- who will be kept from
3 voting as compared to you cannot show anybody getting
4 prosecuted -- getting prosecuted and convicted voter
5 fraud, that's one big difference, one big price to pay
6 for a bill that you don't have any evidence to support
7 there's voter fraud.

8 SEN. FRASER: One second, Senator. My --
9 my iPhone is interfering with my microphone.

10 The 3 million number, where do you get
11 that?

12 SEN. HINOJOSA: That's the estimate by the
13 Carter-Baker Commission on federal election reform that
14 here in Texas --

15 SEN. FRASER: Can you -- can you show me
16 where it says in that Commission report? I don't
17 remember.

18 SEN. HINOJOSA: Yes, sir, it's a letter
19 dated January 24th, 2011, from Professor Spencer Overton
20 addressed to Senator Judy Zaffirini where he states that
21 approximately 3 million Texas voters do not have photo
22 ID.

23 SEN. FRASER: Senator, that is --
24 (Simultaneous speaking)

25 SEN. FRASER: -- pure speculation by that

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1 gentleman. He has nothing to base that on, and that is
2 not in reference to the Carter-Baker report. That is a
3 estimation by some, you know, political hack that --
4 that y'all have asked to write a letter.

5 SEN. HINOJOSA: Well, actually, I thought
6 it was the opposite. I thought your side was pure
7 speculation. Thank you.

8 CHAIRMAN DUNCAN: The chair recognizes
9 Senator Williams.

10 SEN. WILLIAMS: Thank you, Mr. Chairman.
11 Would Senator Fraser yield for some
12 questions?

13 SEN. FRASER: I will yield.

14 SEN. WILLIAMS: Senator Fraser, there's
15 several things that I wanted to clear up for the record.

16 The first, I'd like to make a reference
17 back to the Secretary of State has recently sent this
18 letter -- she sent it over today -- that indicated that
19 there would be probably \$2 million of the HAVA funds
20 that would be available for voter education, to help
21 fund the voter education efforts that we would have in
22 connection with this bill. And it would be -- normally,
23 it would be the Secretary of State's office who would
24 develop what those problem programs are with taking into
25 account our legislative intent about what we're trying

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1 to accomplish. Is that right?

2 SEN. FRASER: Yes.

3 SEN. WILLIAMS: The other thing that I
4 wanted to correct, for the record, Senator Watson opined
5 earlier that a lot of this funding for these items had
6 been struck in the budget, and actually, I went back and
7 pulled a copy of the budget. I had not looked at this
8 part, and so there were some budget riders that had
9 expired and that were no longer relevant in the current
10 budget. Those were struck. And under Strategy B.1.4,
11 under elections improvement, administer Federal Help
12 America Vote Act, we actually have, it looks like, a
13 total of about \$43 million over the next biennium that's
14 been appropriated in the budget that Senator Ogden laid
15 out for us earlier. So I just wanted to clear that up
16 for the record because that's kind of been a moving
17 target.

18 Another question that I had for you was
19 the -- I wanted to go back, if I could, and -- and just
20 touch on what my understanding after hearing all this
21 questioning that's gone on, what your -- the purpose of
22 your bill is -- really is to deter and detect fraud
23 in-person voter fraud at the polls. Is that correct?

24 SEN. FRASER: That is correct.

25 SEN. WILLIAMS: Okay. And has the United

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1 States Supreme Court -- I believe they've stated that
2 it's been documented throughout our nation's history by
3 respected historians and journalists, and they
4 demonstrate not only that the risk of voter fraud is
5 very real, but they could affect the outcome in a close
6 election. Does Senate Bill 14 provide the kind of
7 safeguard against that fraud that might be crucial in an
8 election?

9 SEN. FRASER: Yes, it does, Senator.

10 SEN. WILLIAMS: Now, we've had some close
11 elections, even in the Texas Legislature. I know over
12 in the House right now, there is an election contest
13 that's been -- for Senate, State House District 48.
14 It's being contested. The last numbers that I saw from
15 the Secretary of State showed that Donna Howard had won
16 her seat by 12 votes, which amounts to .02 percent of
17 all the votes cast in that race. And, of course, back
18 in 2008, Linda Harper Brown up in Dallas County defeated
19 her opponent by 19 votes, or .05 percent of the total
20 votes cast in that race.

21 Are those the kind of close elections you
22 think that the Supreme Court might have been referencing
23 when they said in Crawford 533 U.S. at 11-12 that
24 it's -- the threat's not only real, but it's actually --
25 you know, it demonstrates it's not real, but it could

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1 affect the outcome of a close election?

2 SEN. FRASER: The answer is absolutely,
3 yes, and it actually the -- it's even closer to home.
4 Senator Jackson, when he was elected to the Texas House,
5 ended up winning by seven votes.

6 SEN. WILLIAMS: Landslide Jackson --

7 SEN. FRASER: Landslide Jackson.

8 SEN. WILLIAMS: -- I think they called
9 him.

10 SEN. FRASER: So if -- fraud, in an
11 election like that, could have changed history.

12 SEN. WILLIAMS: Senator Fraser, Senate
13 Bill 14 provides safeguards to protect the reliability
14 and integrity of our voting system, especially those in
15 close elections like we've just talked about?

16 SEN. FRASER: Yes.

17 SEN. WILLIAMS: Okay. I believe in this
18 Crawford v. Marion, on Page 10, the Supreme Court brief,
19 they quoted -- the United States Supreme Court quoted
20 the Carter-Baker report that has been referenced here.
21 And in that report, their quote was, "There's no
22 evidence of extensive fraud in the U.S. elections or of
23 multiple voting, but both occur, and it could affect the
24 outcome of a close election. The electoral system
25 cannot inspire public confidence if no safeguards exist

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1 to deter or detect fraud or to confirm the identity of
2 voters. Photo identification cards currently are needed
3 to board a plane, enter federal buildings, and cash a
4 check. Voting is equally important."

5 Is that your understanding? Is Senate
6 Bill 14 designed to inspire that public confidence in
7 close elections like --

8 SEN. FRASER: Yes, it is.

9 SEN. WILLIAMS: -- we talked about?

10 Senator Fraser, do you recall the
11 testimony and exhibits that we provided in 2009 -- now
12 it's been admitted earlier today as Exhibit 1 -- that
13 detail the extensive voter fraud in Harris County and
14 other areas of the state?

15 SEN. FRASER: Yes, I'm very familiar with
16 it.

17 SEN. WILLIAMS: Okay. Senator, having
18 listened to what I heard and just read a minute ago from
19 the Carter-Baker Commission and the language that was
20 adopted from them in the Supreme Court brief, are you
21 aware of how difficult it is to not only to discover but
22 to prosecute voter fraud?

23 SEN. FRASER: Yes, it is very difficult.

24 SEN. WILLIAMS: And having said that,
25 do -- do you think that that's one of the reasons we

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1 don't see many of these cases that are prosecuted
2 because if someone is voting deceptively as someone
3 else, it's going to be very difficult to discover that
4 if they're successful?

5 SEN. FRASER: And that was recognized by
6 the U.S. Supreme Court in their decision.

7 SEN. WILLIAMS: So are you offering Senate
8 Bill 14 as a tool for the state of Texas to detect and
9 deter this type of voter fraud and further inspire
10 confidence in our voters and the voting system, to make
11 sure that all Texans and all of our elections are
12 conducted with the upmost integrity and equity to all
13 Texans?

14 SEN. FRASER: Absolutely. That would be
15 my reasoning.

16 SEN. WILLIAMS: Okay. Couple of things
17 that I just think that it was important to get back into
18 the record again about what the Supreme Court actually
19 said in Crawford v. Marion; and all of this, of course,
20 was included in the record last time.

21 I thought it was interesting that Justice
22 Stevens comments about this. He said first, the state
23 has an interest in deterring and detecting voter fraud.
24 They have a valid interest in participating in a
25 nationwide effort to improve and modernize the election

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1 procedures that have been criticized as antiquated and
2 inefficient, and the state, in that case, also argues
3 that it has a particular interest in preventing voter
4 fraud in response to a problem that is, in part, the
5 product of its own maladministration; namely, that in
6 the case -- in this case, Indiana's voter registration
7 roles included a large number of people who were either
8 deceased or no longer live in Indiana.

9 Now, Senator Fraser, when I look back at
10 the record that we had introduced as Exhibit 1 today,
11 didn't that record include many, many instances where we
12 had people who were registered at fictitious addresses
13 who had been voting or people who were deceased? I
14 think my own brother came and testified that our
15 grandfather had voted for 62 years after his death, and
16 my grandmother had a very difficult time trying to get
17 him taken off the voter roles and, in fact, had not been
18 able to do so.

19 SEN. FRASER: Yes, I'm -- I'm -- remember
20 that very well.

21 SEN. WILLIAMS: Okay. And so, you know,
22 there's been a lot of talk about the burden on people,
23 and Senator Davis made some very compelling and
24 interesting remarks in her comments. But I would say
25 that, you know, wouldn't you think that especially for

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1 the elderly, which we've had a big focus on here today,
2 of the inconvenience on elderly voters, people who are
3 age 65, don't they have an opportunity to use a mail-in
4 ballot and they completely bypass any restrictions that
5 your bill or inconveniences that it might cause them?

6 SEN. FRASER: I'm actually surprised at
7 the percentage now of people that do mail in ballots.
8 That percentage continues to increase, and so someone
9 that did have a problem getting to the polls -- and, you
10 know, I gave the example last year of my -- my mother in
11 the retirement center, that she couldn't get to the --
12 it was too much -- it's too hard for her to get to the
13 polls, but she voted by mail. And there's -- there are
14 people in that category, and we have that safeguard in
15 Texas.

16 SEN. WILLIAMS: Well, and -- and I think
17 we all care about everyone being able to exercise their
18 constitutional right to vote, and along with the
19 provisions that you have for people that are 70 and over
20 plus the mail-in ballots and the fact that provisional
21 ballots can be cast and allow people with expired
22 licenses and that sort of thing the opportunity to prove
23 up who they are, don't you think that addresses many of
24 the concerns that have been raised here today?

25 SEN. FRASER: Absolutely. They -- and

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1 that was our intent, is that obviously, we want to make
2 sure everyone is afforded the -- the ability to vote,
3 and we think we have those provisions in place so that
4 all Texans, every Texan, will be allowed to vote.

5 SEN. WILLIAMS: Well, I -- I think it's
6 also interesting, and you've noted several times today,
7 that so far as we could determine from our research,
8 there isn't a single voter in Indiana or Georgia who's
9 raised the issue that they've been disenfranchised since
10 those laws have been enacted. Is that true, to the best
11 of your knowledge?

12 SEN. FRASER: To the best of my knowledge.
13 And we have asked that question repeatedly, and to the
14 best of our knowledge, we have -- not a single person
15 has come forward in either state.

16 SEN. WILLIAMS: And I think it's -- you
17 know, when I look at the syllabus of the Crawford v.
18 Marion County election board case that went to the Texas
19 Supreme Court, they note in the syllabus that there's no
20 question about the legitimacy or importance of the
21 State's interest in counting only eligible votes. And I
22 think they go on to say that -- that requiring that and
23 the fact that the cards in the Indiana case, as we're
24 doing, they make those cards free. The inconvenience of
25 going -- of gathering the required documents, posing for

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1 a photograph, does not qualify as a substantial burden
2 on most voters' right to vote or represent a significant
3 increase over the usual burdens of voting. And I think
4 that's interesting that that was noted.

5 And those provisions that we have are
6 essentially -- in your bill, there are very similar
7 provisions with respect to those matters. Correct?

8 SEN. FRASER: They -- yes, and I want to
9 clarify. The Crawford case went to the U.S. Supreme
10 Court, and those observations were made in the -- the
11 majority opinion.

12 SEN. WILLIAMS: Now, they go on to say
13 that it's generally applicable, nondiscriminatory voting
14 regulation, it's universally applicable, it's imminently
15 reasonable because the burden of acquiring, possessing,
16 and showing a free photo identification is not a
17 significant increase over the usual voting burdens, and
18 the State's interest are sufficient to sustain whatever
19 those minimal burdens are.

20 So we know there's some inconvenience, but
21 we've done everything we can to make that inconvenience
22 as insignificant as possible. Is that --

23 SEN. FRASER: I will actually go with that
24 in the -- the Crawford/Indiana case.

25 SEN. WILLIAMS: Just in closing, in my

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1 final comments as -- before we go to take testimony, I
2 just think that it's noteworthy to look back at what the
3 opponents of this legislation have said on the floor
4 thus far today, and what I've heard is very little
5 debate about the actual content of your legislation.
6 And I think that speaks to the fact that it's
7 unequivocally a good idea that people ought to be able
8 to be positively identified as who they say they are
9 when they come to vote.

10 What I've heard today is a lot of talk
11 about procedures, even though what we're doing is very
12 normal for a Committee of the Whole, and it's the same
13 procedure that we used the last session when we
14 considered this. Is that correct, Senator Fraser?

15 SEN. FRASER: It is, and I think it's very
16 difficult for a member to argue the merits of the bill
17 when it's so straightforward when you ask someone in
18 their district do they think that someone should --
19 should have -- be required to show a photo ID when they
20 vote, that you've got near 90 percent of the population
21 across the state of Texas. Again, every one of these
22 members, it's hard to argue of the merits -- argue the
23 merits of the bill.

24 SEN. WILLIAMS: Yeah, the other thing that
25 I've heard that I think is interesting is fiscal notes.

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1 A lot of talk about fiscal notes, even though we have a
2 letter from the Secretary of State that states that
3 there are going to be HAVA funds that will be available
4 to help with the voter education, and I think we're
5 going to have testimony in a few moments.

6 And I tried to clarify that early on that
7 the cost of issuing for the state these free ID cards is
8 less than \$2. It's a very minimal cost, and with almost
9 16 million people that we have who have a driver's
10 license or -- or an ID card now, it seems unlikely that
11 there's going to be a whole lot of people out of that
12 13 million that actually don't already have a driver's
13 license or a state ID card.

14 In fact, Senator Fraser, I spoke last
15 night with the Department of Public Safety and today
16 with the Secretary of State and just asked them if it
17 would be possible for us to target those voters who are
18 below age 65 and have -- don't have an ID card, a
19 driver's license or an ID card issued by the state; and
20 they said, yes, it would be possible for us to direct
21 our voter education to those people specifically so that
22 we could step it up and let them know before your bill
23 takes effect -- not till, when, in January? Is that --
24 am I remembering that correctly?

25 SEN. FRASER: January, 2012.

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1 SEN. WILLIAMS: So a year from now. So
2 we've got a lot of time to let these people know what's
3 coming.

4 And then the other thing I've heard a lot
5 about is current law, and, you know, there's been a lot
6 of discussion. In fact, a lot of what we've talked
7 about is what's actually on the books right now, and
8 your bill is not touching any of that top side or
9 bottom. Really, most of what you do is very limited by
10 changing what the requirements are when you come to the
11 polls. Is that correct? There's not any other real
12 substantive change to election law here.

13 SEN. FRASER: We're only addressing the --
14 the actual in-person voting and the identification
15 required when somebody votes in person. We're not
16 addressing mail-in ballots or any of the other
17 provisions. It's just that one section.

18 SEN. WILLIAMS: Well, thank you for
19 allowing me to question you about this and I appreciate
20 you bringing this issue before us and I especially
21 appreciate the fortitude that you've shown during this
22 long debate. Thank you.

23 SEN. FRASER: Thank you, Senator.

24 CHAIRMAN DUNCAN: Chair recognizes Senator
25 Shapiro.

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1 SEN. SHAPIRO: Thank you, Mr. Chairman.

2 I would just like to ask one question
3 because we're getting mixed signals, and I just want to
4 make sure. It's just going to take a yes-or-no answer,
5 and I think that will be the easiest.

6 In Section 7 of your bill, which is
7 actually on Page 5, the requirements for identification
8 prescribed for people who do not have to have a vote --
9 a photo ID, where it references their age, does the bill
10 require that people 70 or older present a voter
11 registration card and that they be at least 70 years of
12 age on January 1st, 2012?

13 SEN. FRASER: My understanding and this
14 is, again, something probably the Secretary of State
15 will address, but I believe your age is -- is on the
16 card. So if someone is 70 on January 1, 2012, they will
17 not be asked to show a photo ID.

18 SEN. SHAPIRO: Okay. And this is
19 something that the Secretary of State has put into this
20 bill?

21 SEN. FRASER: No. No, I --

22 SEN. SHAPIRO: This is something that you
23 have --

24 SEN. FRASER: -- inserted it into the
25 bill. It'd be your interpretation --

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1 SEN. SHAPIRO: I got you.

2 SEN. FRASER: -- to -- to make sure --

3 SEN. SHAPIRO: Identify whether it's at
4 hand?

5 SEN. FRASER: -- that they can identify
6 themselves --

7 SEN. SHAPIRO: Okay.

8 SEN. FRASER: -- but it's not intended
9 that they would -- I believe they're --

10 SEN. SHAPIRO: Separate.

11 SEN. FRASER: Yes.

12 SEN. SHAPIRO: It's not intended to be
13 separate. It's intended --

14 SEN. FRASER: No.

15 SEN. SHAPIRO: -- to be the same document.

16 SEN. FRASER: Yes, as long as they're --

17 SEN. SHAPIRO: Okay.

18 SEN. FRASER: -- you know, 70 on
19 January 1, 2012.

20 SEN. SHAPIRO: And the date of birth is on
21 our current voter registration card?

22 SEN. FRASER: You need to ask that of the
23 Secretary of State.

24 SEN. SHAPIRO: Okay. And my recollection
25 is it is. Thank you.

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1 SEN. FRASER: Okay.

2 CHAIRMAN DUNCAN: Chair recognizes Senator
3 Huffman.

4 SEN. HUFFMAN: Thank you, Mr. Chairman.
5 Senator Fraser, will you yield for a
6 couple of questions?

7 SEN. FRASER: I would love to yield.

8 SEN. HUFFMAN: Thank you, sir. I'd like
9 to commend you, too, for a long day of answering a lot
10 of tough questions.

11 SEN. FRASER: Thank you.

12 SEN. HUFFMAN: But I think it's important,
13 as we kind of wrap this part of the procedures up today,
14 that -- that we circle back to -- to the idea and the
15 concept that -- that we got here today. But there is a
16 line of Supreme Court cases that have brought us here.
17 Would you agree with that?

18 SEN. FRASER: Yes.

19 SEN. HUFFMAN: And certainly, the Crawford
20 v. Marion case gives us guidance on how to do what we're
21 doing here today properly. Would you agree --

22 SEN. FRASER: I think that's the one --

23 SEN. HUFFMAN: -- with that?

24 SEN. FRASER: -- was referenced, I think,
25 in the Indiana case, I believe.

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1 SEN. HUFFMAN: Okay.

2 SEN. FRASER: And that's yes.

3 SEN. HUFFMAN: And did you, as you sat
4 down with your staff and so forth in, you know,
5 pre-session, in the interim, and you started thinking
6 about this bill and so forth, did you and your staff
7 take into consideration Crawford v. Marion and try to
8 follow the law and the rules the Supreme Court has laid
9 out for us?

10 SEN. FRASER: Yes, without a doubt.
11 That's already been approved by the Supreme Court, and
12 obviously, we wanted to make sure we stayed within those
13 parameters.

14 SEN. HUFFMAN: All right. Now, you know,
15 the Supreme Court, I think -- we know that the Supreme
16 Court has told us that there is a balancing test, and we
17 understand that the right to vote is sacred. And so we
18 know that the law tells us that if there is a burden
19 placed upon a voter, that they're going to look very
20 carefully at that; and it's going to have weight, but
21 it's going to be balanced against legitimate state
22 interest. And so I think what we need to explore, just
23 briefly, is that, in fact, we -- we have legitimate
24 state interest. The state of Texas has an interest to
25 make sure that our elections are done with -- well, as

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1 perfect as we can get them but with integrity, right,
2 and with voter confidence.

3 So as you prepared the bill and as you
4 look at the bill -- and the Supreme Court has told us
5 that there are legitimate interests, and they define
6 those for us. So as you prepared the bill and you look
7 at Senate Bill 14 today, do you think that it addresses
8 the relevant and legitimate concerns of deterring and
9 detecting voter fraud? And I know you've been asked
10 this question a lot.

11 SEN. FRASER: Absolutely.

12 SEN. HUFFMAN: Right. Do you think that
13 it -- that it's important in that the bill will help to
14 improve and modernize the election procedures of Texas?

15 SEN. FRASER: Yes.

16 SEN. HUFFMAN: Do you think that there's a
17 larger scheme nationwide through the Help America Vote
18 Act and the National Voter Registration -- Registration
19 Act to do just that, to make elections come up to modern
20 times?

21 SEN. FRASER: Absolutely.

22 SEN. HUFFMAN: Do you think that Senate
23 Bill 14 will help to prevent voter fraud and actually
24 help to ensure that only the votes of eligible Texas
25 voters are counted in these crucial elections that

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1 happen in the state of Texas?

2 SEN. FRASER: That is our intent, and we
3 believe the bill does that.

4 SEN. HUFFMAN: And do you believe that
5 once we have established these safeguards, that the
6 voters will feel more confident about their vote being
7 counted and only the votes of registered Texans who can
8 vote to be counted?

9 SEN. FRASER: Yes, that is our belief.

10 SEN. HUFFMAN: Do you think that once
11 that's established, that it will actually encourage the
12 democratic process and that it will encourage more
13 voters to go to the polls?

14 SEN. FRASER: The thing we've seen in
15 other states that have implemented photo ID, the -- the
16 voter turnout actually increased. And so, yes, we
17 believe the confidence in the voters will increase, and
18 we believe it will actually increase the voting
19 percentages.

20 SEN. HUFFMAN: Now, we've heard comments
21 today from many senators, Senator Whitmire, Senator
22 Davis, Senator Uresti, about hypothetical burdens that
23 may be placed on some hypothetical voter. But taking
24 that into account and looking at and trying to balance
25 it, do you feel like we have a bill here that -- that

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1 presents and moves forward our legitimate interest in
2 Texas as it regards voting?

3 SEN. FRASER: Without a doubt.

4 SEN. HUFFMAN: All right.

5 SEN. FRASER: We believe it does.

6 SEN. HUFFMAN: Thank you very much,
7 Senator Fraser.

8 SEN. FRASER: Thank you, Senator.

9 SEN. HUFFMAN: Thank you.

10 CHAIRMAN DUNCAN: Chair recognizes Senator
11 Wentworth.

12 SEN. WENTWORTH: Thank you, Mr. Chairman.
13 Will the gentleman yield?

14 SEN. FRASER: I will yield.

15 SEN. WENTWORTH: Senator, I want to
16 compliment you on your long hours of being on your feet
17 in responding to these questions. I just wanted to
18 touch on a couple of things.

19 One is we had -- we had some testimony
20 here two years ago on a very similar bill, and I just
21 wanted -- since it's been raised earlier today, the
22 issue about whether or not maybe passage of this bill
23 would reduce voter participation. There are only a
24 couple of other states, Indiana and Georgia, where these
25 sorts of bills have been passed. One of the witnesses

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1 in March of '09 said to us: Not only does voter ID help
2 prevent fraudulent voting, but where it has been
3 implemented, it has not reduced turnout. There is no
4 evidence that voter ID decreases the turnout of voters
5 or has a disparate impact on minority voters, the poor,
6 or the elderly. The overwhelming majority of Americans
7 have photo ID or can easily obtain one.

8 Now, this is in the record from the 2009
9 hearing, which we've already adopted, but I just wanted
10 to recall some of the testimony that we had.

11 Another quote was: Recent election
12 results in Georgia and Indiana also confirmed that the
13 suppositions that voter ID will hurt minority turnout
14 are incorrect.

15 In addition -- and I'm not sure whether
16 this was part of the record in '09, but there is a study
17 of Indiana's photo ID law that was conducted by a
18 University of Missouri professor. He found that
19 requiring identification doesn't have much impact on
20 voter turnout rates. His name is Jeffery Milyo. He's
21 professor of economics and public affairs at the
22 University of Missouri, a part of the Institute of
23 Public Policy of the Harry S. Truman School of Public
24 Affairs.

25 And his conclusion is -- if I can find it

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1 quickly -- it's a many-page study, and his conclusion is
2 that the findings that emerge from his analysis are that
3 photo ID is associated with an overall county level
4 turnout increase of almost 2 percentage points -- and
5 this is just in Indiana. This isn't Georgia as well --
6 an insignificant increase in relative turnout for
7 counties with a greater percentage of minority and poor
8 population; no consistent or significant impact on
9 relative turnout in counties with a greater percentage
10 of less educated or elderly voters; and finally, a
11 significant relative increase in turnout for counties
12 with a higher percentage of Democrat voters.

13 I was just wondering if you remembered
14 those things that were testified to two years ago or
15 whether you were familiar with this university
16 professor's study.

17 SEN. FRASER: Thank you for bringing that
18 forward. It -- yes, I -- now, as you mention it, I do
19 remember it. The other thing that comes to mind that
20 was through the testimony two years ago is in the '09 --
21 I'm sorry -- the '08 president election for '09, that
22 even though the president was from Illinois, the
23 adjoining state, Indiana, had doubled the increase of
24 voting next door in the state -- in Indiana where they
25 had put in photo ID. Illinois did not have it, but the

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1 increase was double the amount of increase next door.
2 So it certainly didn't show that they were hurt by the
3 implementation of the --

4 SEN. WENTWORTH: Where Indiana has a photo
5 ID law --

6 SEN. FRASER: Illinois does not.

7 SEN. WENTWORTH: Thank you very much,
8 Senator.

9 SEN. FRASER: Thank you, Senator.

10 CHAIRMAN DUNCAN: Okay. Members, we
11 have -- that completes all of the Members who want to
12 ask questions of the author. You can sit down for a
13 second, Senator, if you want to. Take a rest.

14 We have a little bit of housecleaning.
15 There's a few witnesses that -- or a few exhibits that
16 may want to go in that we have now made copies of. I
17 think, Senator Van de Putte, you had -- Senator
18 Zaffirini had Exhibit 6 which was a map of the DPS, and
19 we've now had that copied and available to distribute.
20 Do you want to go ahead and offer it into the record?

21 SEN. VAN de PUTTE: Yes, I will.

22 CHAIRMAN DUNCAN: Okay. It'll be
23 received.

24 (Exhibit No. 6 marked and admitted)

25 CHAIRMAN DUNCAN: And then I believe we

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1 had -- Senator Davis had a chart that -- excuse me.

2 SEN. VAN de PUTTE: Mr. Chairman, do -- I
3 move to add to Exhibit 6 the counties with Department of
4 Public Safety Driver's License Office Closures prepared
5 by legislative counsel.

6 CHAIRMAN DUNCAN: Okay. Thank you. That
7 will be received in the record.

8 Senator Davis, you had an exhibit that you
9 wanted to offer.

10 SEN. DAVIS: Yes, Mr. Chair. I'd like to
11 add that as -- I guess it would be Exhibit No. 7 to the
12 record.

13 CHAIRMAN DUNCAN: And I think we have
14 copies to distribute to the Members? Would you describe
15 it, please?

16 SEN. DAVIS: Yes, I'm sorry. It's the
17 chart that I displayed and talked about earlier in my
18 questions of Senator Fraser. It's exact -- an exact
19 replica of the chart that was displayed on the Senate
20 floor.

21 CHAIRMAN DUNCAN: It has a -- it's a
22 graphic that has a -- at the top, a title that says,
23 "DL/State ID." Okay. Exhibit 7 will be received in the
24 record.

25 SEN. DAVIS: Thank you.

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1 (Exhibit No. 7 marked and admitted)

2 CHAIRMAN DUNCAN: Are there any other
3 exhibits that --

4 SEN. FRASER: Mr. President?

5 CHAIRMAN DUNCAN: -- were discussed that
6 we'd like to include? Senator Fraser?

7 SEN. FRASER: And I had one that I
8 mentioned that I was going to enter in that I have not
9 yet. It is the Lighthouse Opinion Poll. This is the
10 most current poll that is taken and has a very good
11 breakout of not only across the state, the regions, but
12 also has a breakout, Republican, Democrat, and it breaks
13 out for the African American, Hispanic, and --

14 CHAIRMAN DUNCAN: Do you have copies of
15 that to distribute?

16 SEN. FRASER: I have one copy.

17 CHAIRMAN DUNCAN: Okay. Well, Exhibit 8
18 will be received, but if you'll go ahead and get copies
19 so that we can distribute those at this time.

20 (Exhibit No. 8 marked and admitted)

21 SEN. GALLEGOS: Mr. President?

22 CHAIRMAN DUNCAN: Senator Gallegos, for
23 what purpose?

24 SEN. GALLEGOS: I have also some diagrams,
25 but I wasn't going to present them until the time of my

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1 amendments. I mean, do they need to be entered now or
2 at the time of the amendment?

3 CHAIRMAN DUNCAN: I don't see any problem
4 with entering them at the time when it's relevant to
5 what you're trying to do.

6 SEN. GALLEGOS: Yeah.

7 CHAIRMAN DUNCAN: You can put them in the
8 record at that time --

9 SEN. GALLEGOS: Okay.

10 CHAIRMAN DUNCAN: -- when we're --

11 SEN. GALLEGOS: Then I'll wait till --
12 till the time of the amendment. Thank you,
13 Mr. President.

14 CHAIRMAN DUNCAN: All right. Members, the
15 next phase is the invited testimony.

16 And Senator Van de Putte and Senator
17 Fraser, if you could come up to the -- make sure we've
18 got everybody in the right order.

19 And while they're coming up, I want to
20 announce that it's my intention to -- we have about
21 17 -- last check, 17 registered witnesses for public
22 testimony, and I would like to accommodate those
23 witnesses, if we could. So remember that when you're
24 questioning and -- that we have some folks that would
25 like to testify here later on.

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